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A FULL RELATION of the Passages concerning the Late TREATY FOR A PEACE, BEGUN AT UXBRIDGE January, 30. 1644.

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A TABLE OR INDEX SHEWING briefly the Method, and Order of this Narrative, and directing to the places, where each ſubjects Matter therein contained, is to be found.

1 ARE ſet down the *Meſſages* and *Propoſitions* ſent by His Majeſty, and brought to Him, which preceded the *Treaty*, and were inducements to it, beginning *Page* the firſt, and ending *page* the 24.

2 The Paſſages in the beginning of the *Treaty* preparatory thereunto wherein,

1 Of the ſeverall *Commiſſions*, and Paſſages thereupon, beginning *pag.* 25, ending *pag.* 35.

2 The Papers Concerning the *Manner*, and *Order* of the *Treaty*, *pag.* 35. ending *pag.* 36.

3 The Papers concerning a *Scandalous Sermon* Preached at *Vxbridge* againſt the *Treaty*, the firſt day of the *Treaty*, and before it began, *pag.* 37. ending *pag.* 38.

3 The Papers Concerning *Religion*, during the whole *Treaty*, Collected together, *pag.* 39, ending *pag.* 69.

4 The Papers Concerning the *Militia*, during the whole *Treaty* Collected together, *pag.* 69. ending *pag.* 108.

5 The Papers Concerning *Ireland*, during the whole *Treaty*, Collected together, *pag.* 109. ending *pag.* 161.

6 The Papers Concerning *His Majeſties Propoſitions*, and particularly for a *Ceſſation of Arms*, and touching *His Majeſties return to* Weſtminſter *after disbanding of Armies, and further time for continuing or renewing the* Treaty, *are Collected together*, pag. 161. *ending* pag. 178.

7 And laſtly, *an Appendix* is added, wherein are contained ſuch things as are mentioned in the *Narrative*, or were

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delivered in writing during the *Treaty*, and were Printed before, or being heretofore Printed, are now out of Print, or not easily to be had, the particulars whereof are as followeth.

1 His Majesties Message from *Evesham* of the 4. of *July*, 1644. *pag.* 179.

2 His Majesties Message from *Tavestock* of the 8. of *September*, 1644. *pag.* 181.

3 The Bill for abolishing of *Episcopacy*, &c. *pag.* 182.

4 The Articles of the late *Treaty* of the date at *Edenburgh* the 29. of *Novemb.* 1643. *pag.* 193.

5 The Ordinance for calling the Assembly of Divines, *pag.* 199.

6 The Votes and Orders delivered with it, *pag.* 205, and 206.

7 The Articles of the 6. of *August*, 1642. concerning *Ireland pag.* 207.

8 The Ordinances of the 9. of *March*, and the 11. of *April*, touching the Forces in *Ireland* pag. 214.

9 } The Letters and advices from the Lords Justices, and
10 } Councell of *Ireland*, *pag.* 216.

Hereunto is added His Majesties Answers to certain Papers delivered upon the close of the Treaty, *one concerning the* Militia, *and two concerning* Ireland, *beginning* pag. 227.

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HIS MAJESTY having received an account from His Commissioners, of their proceedings in the late Treaty at *Vxbridge*, to the end that all His people may be fully satisfied, of his earnest and constant endeavours to procure the publique Peace, whereby to put an end to these present miseries, hath commanded this full and plain Narrative, of all the passages concerning that Treaty, to be made and published.

AFter His Majesties Message from *Evesham* of the 4. of *July* last, desiring and propounding a Treaty for Peace; And His second Message from *Tevestocke* of the 8. of *September* last, renewing that desire; At length, on the 23. day of *November* last past, the Earl of *Denbigh* and others repaired to His Majesty at *Oxford*, with propositions in these words following:

See these Messages in the Appendix nº 1. & 2.

WE Your Majesties Loyall Subjects, assembled in the Parliaments of both your Kingdoms, from the sence of that duty we owe unto Your Majesty, and of the deep sufferings, and many miseries, under which Your People of all Your Kingdoms lye bleeding in this unnaturall Warre, after long and serious consultation about the best wayes and means of their preserva- I.

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tion, and for ſetling Your Majeſties Throne, and Your Subjects in Peace and Security, have, with common conſent, Reſolved upon theſe Propoſitions, which we do humbly tender unto Your Majeſty.

The humble deſires and Propoſitions for a ſafe and well grounded Peace, agreed upon by the mutuall advice and conſent of the Parliaments of both Kingdoms, united by ſolemne League and Covenant, to be preſented to His Majeſty.

1 That by Act of Parliament in each Kingdom reſpectively, all Oaths, Declarations and Proclamations againſt both or either of the Houſes of the Parliament of *England*, and the late Conventions of Eſtates in *Scotland*, or Committees flowing from the Parliament, or Conventions in *Scotland*, or their Ordinances and proceedings, or againſt any for adhering unto them, And all Indictments, Outlaries, and Attainders againſt any for the ſaid Cauſes, be declared Null, ſuppreſſed and forbidden; And that this be publiquely intimated in all Pariſh-Churches within His Majeſties Dominions, and all other places needfull.

2 That His Majeſty, according to the laudable example of His Royall Father of happy memory, may be pleaſed to ſwear and ſigne the late ſolemn League and Covenant; And that an Act of Parliament be paſſed in both Kingdoms reſpectively, for enjoyning the taking thereof, by all the Subjects of the three Kingdoms, and the Ordinances concerning the manner of taking the ſame in both Kingdoms; be confirmed by Acts of Parliaments reſpectively, with ſuch penalties, as, by mutuall advice of both Kingdoms ſhall be agreed upon.

3 That the Bill be paſſed for the utter aboliſhing and taking

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taking away of all Arch-Bishops, Bishops, their Chancellours and Commissaries, Deans & Subdeans, Drans and Chapters, Arch-deacons, Canons and Prebendaries; And all Chanters, Chancellours, Treasurers, Sub treasurers, Succentors and Sacrists; and all Vicars Chorall and *Choristers*, old Vicars and new Vicars of any Cathedrall or Collegiat Church; And all other their under Officers, out of the Church of *England*, and Dominion of *Wales*, and out of the Church of *Ireland*, with such alterations concerning the Estates of Prelates, as shall agree with the Articles of the late Treaty; of the Date at *Edenborough*, 29. of *Novemb.* 1643. And joynt Declaration of both Kingdoms.

4 That the Ordinance concerning the calling and sitting of the Assembly of Divines be confirmed by Act of Parliament.

5 That Reformation of Religion according to the Covenant be setled by Act of Parliament, in such manner as both Houses shall agree upon after consultation had with the Assembly of Divines. And for as much as both Kingdoms are mutually obliged by the same Covenant, to endevour the neareſt Conjunction and uniformity in matters of Religion, that such unity and uniformity in Religion according to the Covenant, as after consultation had with the Divines of both Kingdoms now assembled, shall be joyntly agreed upon by both Houses of the Parliament of *England*, and by the Church and Kingdom of *Scotland* be confirmed by Acts of Parliament of both Kingdoms respectively.

6 That for the more effectuall disabling Jesuits, Priests, Papists, and Popish Recusants from disturbing the State, and deluding the Laws, and for the better discovering and speedy conviction of Recusants, an Oath be Established by Act of Parliament to be administred to

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them, wherein they ſhall abjure and renounce the Popiſh Supremacy, the Doctrine of Tranſubſtantiation, Purgatory, worſhipping of the conſecrated Hoaſt, Crucifixes and Images, and all other Popiſh Superſtitions and Errors; and refuſing the ſaid Oath being tendred in ſuch manner as ſhall be appointed by the ſaid Act, to be a ſufficient conviction in Law of Recuſancy.

7 An Act of Parliament for education of the Children of Papiſts by Proteſtants in the Proteſtant Religion.

8 An Act for the true levying of the penalties againſt them, which penalties to be levyed and diſpoſed in ſuch manner as both Houſes ſhall agree on, wherein to be provided that His Majeſty ſhall have no loſſe.

9 That an Act be paſſed in Parliament, whereby the practices of Papiſts againſt the State may be prevented, and the Laws againſt them duly executed, and a ſtricter courſe taken to prevent the ſaying or hearing of Maſſe in the Court, or any other part of this Kingdom.

10 The like for the Kingdom of *Scotland*, concerning the four laſt preceding Propoſitions, in ſuch manner as the Eſtates of Parliament there ſhall think fit.

11 That the King do give His Royall Aſſent,

To an Act for the due obſervation of the Lords day;

And to the Bill for the ſuppreſſion of Innovations in Churches and Chappels, in, and about the worſhip of God, &c. And for the better advancement of the preaching of Gods holy Word in all parts of this Kingdom;

And to the Bill againſt the enjoying of Pluralities of Benefices by ſpirituall Perſons and non-Reſidency;

And to an Act to be framed and agreed upon by both Houſes of Parliament, for the reforming and regulating of both Univerſities, of the Colledges of *Weſtminſter*, *Wincheſter*, and *Eaton*;

And to an Act in like manner to be agreed upon for the ſup-

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...ion of Interludes and Stage-playes, This Act to ...perpetuall;

...ed to an Act for the taking the Accompts of the ...dom;

...ed to an Act to be made for relief of sick and maym... Souldiers, and of poor Widdows and Children of ...ldiers;

And to such Act or Acts for raising of Moneys for the ...ment & satisfying of the publique Debts and Dama... of the Kingdom, and other publique uses as shall ...after be agreed on by both Houses of Parliament;

And to an Act or Acts of Parliament for taking away ...e Court of Wards and Liveries, and all Wardships, ...veries, *Primer seisins*, and *Ouster le maynes*, and all other ...rges incident or arising for, or by reason of Ward... ...p, Livery, *Primer seisin*, or *Ouster le mayne*;

And for the taking away of all tenures by homage, ...d all Fines, Licenses, Seisures, and Pardons for aliena... ...n, and all other charges incident thereunto, and for ...rning of all Tenures by Knights service, either of His ...Majesty or others, or by Knights service or Soccage in ...Capite of His Majesty into free and common Soccage; ...And that His Majesty will please to accept in recom...pence hereof one hundred thousand pounds *per annum*;

And give assurance of His consenting in the Parlia...ment of *Scotland* to an Act ratifying the Acts of the Con...vention of the Estates of *Scotland* called by the Councell ...and Conservators of Peace, and the Commissioners for ...the common Burthens, and assembled the 22. day of ...*June*, 1643. and severall times continued since in such ...manner and with such additions, and other Acts as the ...Estates convened in this present Parliament shall think ...convenient.

12. That an Act be passed in the Parliament of both

Kingdoms respectively, for confirmation of the Treaties passed betwixt the two Kingdoms (*viz.*) the large Treaty, the late Treaty for the coming of the *Scots* Army into *England*, and the setling of the Garrison of *Berwick* of the 29. of *November*, 1643. And the Treaty concerning *Ireland* of the 6. of *August*, 1642. with all other Ordinances and proceedings passed betwixt the two Kingdoms in pursuance of the said Treaties.

13 That an Act of Parliament be passed to make void the Cessation of *Ireland*, and all Treaties with the Rebels, without consent of both Houses of Parliament, and to settle the prosecution of the Warre of *Ireland* in both Houses of Parliament, to be mannaged by the joynt advice of both Kingdoms; And the King to assist, and to do no Act to discountenance or molest them therein.

14 That an Act be passed in the Parliaments of both Kingdoms respectively, for establishing the joynt Declaration of both Kingdoms bearing date the 30. of *January* 1643. in *England*, and 1644. in *Scotland*, with the qualifications ensuing.

1 That the Persons who shall expect no Pardon, be onely these following, RUPERT and MAURICE Count Palatines of the *Rhene*, *Iames* Earl of *Derby*, *John* Earl of *Bristoll*, *William* Earl of *Newcastle*, *Francis* Lord *Cottington*, *John* Lord *Pawlet*, *George* Lord *Digby*, *Edward* Lord *Littleton*, *William Laud* Arch-bishop of *Canterbury*, *Matthew Wren* Bishop of *Ely*, Sir *Robert Heath* Knight, Doctor *Bramhall* Bishop of Derry, Sir *John Byron* Knight, Sir *William Widdrington*, Colonell *George Goring*, *Henry Iermin* Esq. Sir *Ralph Hopton*, Sir *Francis Doddington*, M. *Endymion Porter*, Sir *George Ratcliffe*, Sir *Marmaduke Landale*, Sir *John Hotham*, Captain *John Hotham* his Son, Sir *Henry Vaughan*, Sir *Francis Windebank*, Sir *Richard Greenvile*, Mr. *Edward Hyde*, Sir *John Marley*, Sir *Nicho-*

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Sir *Thomas Riddell* Junior, Colonell
Sir *Iohn Strangwayes*, Sir *Iohn Culpepper*, Sir *Richard*
Iohn Bodvile Esq; M. *David Ienkins*, Sir *George Strode*,
Alexander Carew, Marqueſſe of *Huntly*, Earl of *Mont-*
Earl of *Niddiſdaill*, Earl of *Traquayre*, Earl of *Carne-*
Viſcount of *Aubayne*, Lord *Ogleby*, Lord *Rae*, Lord
Ledwick Lindſey ſometime Earl of *Crawford Pa-*
Ruthen ſometime Earl of *Forth*, *Iames King* ſome-
Lord *Ytham*, *Iruing* younger of *Drunim*, *Gordon*
younger of *Gight*, *Leſley* of *Auchintoule*, ſir *Robert Spotſwood*
Dumpace, Colonell *Iohn Cockram*, Mr. *Iohn Maxwell*,
ſometime pretended Biſhop of *Roſſe*, M. *Walter Balcanquall*,
all ſuch others, as being proceſſed by the Eſtates for
Treaſon, ſhall be condemned before the Act of Oblivion
paſſed.

2 All Papiſts and Popiſh Recuſants, who have been
are, or ſhall be actually in Arms, or Voluntarily aſ-
ing againſt the Parliaments or Eſtates of either King-
.

3 All perſons who have had any hand in the plotting,
igning, or aſſiſting the Rebellion of *Ireland*.

4 That *Humphrey Bennet* Eſquire, Sir *Edward Ford*, Sir
Penruddock, Sir *George Vaughan*, Sir *Iohn Weld*, Sir
Lee, Sir *Iohn Pate*, *Iohn Ackland*, *Edmund Windham*
Eſquires, ſir *Iohn Fitzherbert*, ſir *Edward Laurence*, ſir
Dutton, *Henry Lingen* Eſq. ſir *William Ruſſell* of
Worceſterſhire, *Thomas Lee* of *Adlington* Eſq; ſir *Iohn Gir-*
ington, ſir *Paul Neale*, ſir *William Thorald*, ſir *Edward*
Muſey, ſir *Tho. Lyddell* Senior, ſir *Philip Muſgrave*, ſir
Digby of *Nottingh:* ſir *Hen: Fletcher*, ſir *Richard Min-*
ſull, *Laurence Halſteed*, *Iahn Denham* Eſquires, ſir *Edmund*
Forteſcue, *Peter St. Hill* Eſq. ſir *Thomas Tildeſley*, ſir *Hen:*
Griffith, *Michaell Wharton* Eſq. ſir *Hen. Spiller*, ſir *George*
Benion, ſir *Edward Nicholas*, ſir *Edward Walgrave*, ſir *Ed-*

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ward Bishop, sir Robert Owsley, sir John Mayney, Lord Cholmely, sir Thomas Aston, sir Lewis Dives, sir Peter Osborn, Samuell Thorneton Esq. sir John Lucas, John Mayney Esq. sir Thomas Chedle, sir Nicholas Kemish, and Hugh LLoyd Esq. And all such of the Scottish Nation, as have concurred in the Votes at Oxford, against the Kingdom of Scotland and their proceedings, or have Sworn or Subscribed the Declaration against the Convention and Covenant; And all such as have assisted the Rebellion in the North, or the invasion in the South of the said Kingdom of Scotland, or the late Invasion made there by the Irish and their Adherents, And that the Members of either House of Parliament, who have not onely deserted the Parliament, but have also voted both Kingdoms traytors, may be removed from His Majesties Councels, and be restrained from coming within the Verge of the Court, and that they may not without the advice and consent of both Kingdoms, bear any Office, or have any employment concerning the State or Common-wealth. And also that the Members of either House of Parliament, who have deserted the Parliament, and adhered to the Enemies thereof, and have not rendred themselves before the last of October 1644. may be removed from His Majesties Councels; and be restrained from coming within the Verge of the Court, and that they may not, without the advice and consent of both Houses of Parliament, bear any Office, or have any imployment concerning the State or Common-wealth: And in case any of them shall offend therein, to be guilty of High Treason, and incapable of any Pardon by His Majesty, and their Estates to be disposed as both Houses of Parliament in England, or the Estates of the Parliament in Scotland respectively shall think fit.

5 That by Act of Parliament, all Judges and Officers towards

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...the Law Common or Civill, who have deserted the Parliament and adhered to the enemies thereof, be made incapable of any place of Judicature or Office towards the Law Common or Civill; And that all Sergeants, Councellors and Atturneys, Doctors, Advocates and Proctors of the Law Common or Civill, who have deserted the Parliament and adhered to the Enemies thereof, be made incapable of any practice in the Law Common or Civill, either in publique or in private. And that they, and likewise all Bishops, Clergy-men, and other Ecclesiasticall persons, who have deserted the Parliament, and adhered to the Enemies thereof, shall not be capable of any preferment or imployment in Church or Common-wealth, without the advice and consent of both Houses of Parliament.

6 The persons of all others to be free of all personall censure, notwithstanding any Act or thing, done, in, or concerning this Warre, they taking the Covenant.

7 The Estates of those persons excepted in the first three preceeding qualifications, to pay publique Debts and Damages.

8 A third part in full value of the Estates of the persons made incapable of any imployment, as aforesaid, to be imployed for the payment of the publique Debts and Damages, according to the Declaration.

9 And likewise a tenth part of the Estates of all other Delinquents within the joynt Declaration; and in case the Estates and proportions aforementioned, shall not suffice for the payment of the publique engagements, whereunto they are onely to be imployed; that then a new proportion may be appoynted by the joynt advice of both Kingdoms, providing, it exceed not the one moyety of the Estates of the persons made incapable, as

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aforesaid, and that it exceed not a sixt part of the Estate of the other Delinquents.

10 That the persons and Estates of all common Souldiers, and others of the Kingdom of *England*, who in Land or Goods be not worth 200 l. sterling; and the persons and Estates of all common Souldiers, and others of the Kingdom of *Scotland*, who in Land or Goods be not worth 100 l. sterling, be at liberty and discharged.

11 That an Act be passed whereby the Debts of the Kingdom, and the persons of Delinquents, and the value of their Estates may be known; and which Act shall appoynt in what manner the confiscations and proportions before mentioned, may be levyed and applyed to the discharge of the said engagements.

15 That by Act of Parliament the Subjects of the Kingdom of *England*, may be appointed to be Armed, Trained, and Disciplined in such manner as both Houses shall think fit, the like for the Kingdom of *Scotland*, in such manner as the Estates of Parliament there shall think fit.

16 That an Act of Parliament be passed for the setling of the Admiralty and Forces at Sea, and for the raising of such Moneys for maintenance of the said Forces, and of the Navy, as both Houses of Parliament shall think fit; the like for the Kingdom of *Scotland*, in such manner as the Estates of Parliament there shall think fit.

17 An Act for the setling of all Forces both by Sea and Land, in Commissioners to be nominated by both Houses of Parliament, of persons of known integrity, and such as both Kingdoms may confide in, for their faithfulnesse to Religion, and Peace of the Kingdoms

of the House of Peers, and

of the House of Commons, who shall be removed or altered from time to time as both Houses shall think fit;

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fit; and when any ſhall dye, others to be nominated in their places by the ſaid Houſes, which Commiſſioners ſhall have power,

1 To ſuppreſſe any Forces raiſed without authority of both Houſes of Parliament, or in the intervals of Parliaments, without conſent of the ſaid Commiſſioners, to the diſturbance of the publique Peace of the Kingdoms, and to ſuppreſſe any Forraign Forces that ſhall invade this Kingdom, and that it ſhall be high Treaſon in any who ſhall Levy any Force without ſuch authority or conſent, to the diſturbance of the publique Peace of the Kingdoms, any Commiſſion under the Great Seal, or other warrant to the contrary notwithſtanding, and they to be incapable of any Pardon from His Majeſty, and their Eſtates to be diſpoſed of, as both Houſes of Parliament ſhall think fit.

2 To preſerve the Peace now to be ſetled, and to prevent all diſturbance of the publique Peace that may ariſe by occaſion of the late troubles: ſo for the Kingdom of *Scotland*.

3 To have power to ſend part of themſelves, ſo as they exceed not a third part, or be not under the number of to reſide in the Kingdom of *Scotland*, to aſſiſt and Vote as ſingle perſons with the Commiſſioners of *Scotland*, in thoſe matters wherein the Kingdom of *Scotland* is onely concerned: ſo for the Kingdom of *Scotland*.

4 That the Commiſſioners of both Kingdoms may meet as a joynt Committee, as they ſhall ſee cauſe, or ſend part of themſelves as aforeſaid, to do as followeth,

1 To preſerve the Peace betwixt the Kingdoms, and the King and every one of them.

2 To prevent the violation of the Articles of Peace, as aforeſaid, or any troubles ariſing in the Kingdoms by

breach of the ſaid Articles, and to hear and determine all differences that may occaſion the ſame according to the Treaty, and to do further accordingly as they ſhall reſpectively receive Inſtructions from both Houſes of Parliament in *England*, or the Eſtates of the Parliament in *Scotland*, and in the intervals of Parliaments from the Commiſſioners for the preſervation of the publique Peace.

3 To raiſe and joyn the Forces of both Kingdoms to reſiſt all Forreign Invaſion, and to ſuppreſſe any Forces raiſed within any of the Kingdoms, to the diſturbance of the publique Peace of the Kingdoms, by any authority under the Great Seal, or other Warrant whatſoever, without conſent of both Houſes of Parliament in *England*, and the Eſtates of the Parliament in *Scotland*, or the ſaid Commiſſioners of that Kingdom whereof they are Subjects; and that in thoſe caſes of joynt concernment to both Kingdoms, the Commiſſioners to be directed to be there all, or ſuch part as aforeſaid, to act and direct as joynt Commiſſioners of both Kingdoms.

4 To order the Warre of *Ireland*, according to the Ordinance of the 15. of *April*, and to order the *Militia*, and conſerve the Peace of the Kingdom of *Ireland*.

18 That His Majeſty give his aſſent to what the two Kingdoms ſhall agree upon, in proſecution of the Articles of the large Treaty, which are not yet finiſhed.

19 That by Act of Parliament all Peers, made ſince the day that *Edward* Lord *Littleton*, then Lord Keeper of the Great Seal, deſerted the Parliament, and that the ſaid Great Seal was ſurreptitiouſly conveyed away from the Parliament, being the 21. day of *May*, 1642. And who ſhall be hereafter made, ſhall not ſit or Vote in the Parliament of *England*, without conſent of both Houſes of Parliament, and that all Honour and Title conferred

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any, without consent of both Houses of Parliament, since the 20. day of *May*, 1642. being the day that both Houses declared, That the King, seduced by evill Counsell, intended to raise Warre against the Parliament, be declared nul and voyd. The like for the Kingdom of *Scotland*, those being excepted whose Patents were passed the Great Seal before the 4. of *Iune*, 1644.

20 That by Act of Parliament the Deputy or chief Governour, or other Governours of *Ireland*, be nominated by both Houses of Parliament, or in the intervals of Parliament by the Commissioners, to continue during the pleasure of the said Houses, or in the intervals of Parliament during the pleasure of the aforementioned Commissioners, to be approved or disallowed by both Houses at their next sitting. And that the Chancellor or Lord Keeper, Lord Treasurer, Commissioners of the Great Seal, or Treasury, Lord *Warden* of the Cinque-Ports, Chancellors of the Exchequer, and Dutchee, Secretary of State, Judges of both Benches, and of the Exchequer of the Kingdoms of *England* and *Ireland*, be nominated by both Houses of Parliament, to continue *quàm diu se bene gesserint*, and in the intervals of Parliament by the aforementioned Commissioners to be approved or disallowed by both Houses at their next sitting; The like for the Kingdom of *Scotland*, adding the Justice Generall, and in such manner as the Estates in Parliament there shall think fit.

21 That by Act of Parliament the Education of Your Majesties Children, and the Children of Your Heirs and Successors be in the true Protestant Religion, and that their Tutors and Governors be of known integrity, and be chosen by the Parliaments of both Kingdoms, or, in the intervals of Parliaments, by the aforenamed Commissioners to be approved or disallowed by both Parliaments

ments at their next ſitting. And that if they be Male, they be married to ſuch onely as are of the true Proteſtant Religion, if they be Female, they may not be married but with the advice and conſent of both Parliaments, or in the intervals of Parliaments, by their Commiſſioners.

22 That Your Majeſty will give Your Royall aſſent to ſuch wayes and means as the Parliaments of both Kingdoms ſhall think fitting for the uniting of the Proteſtant Princes, and for the entire reſtitution and Reeſtabliſhment of *Charles Lodowick* Prince Elector Palatine, His Heirs and Succeſſors, to His Electorall Dignity, Rights and Dominions; Provided that this extend not to Prince *Rupert*, or Prince *Maurice*, or the Children of either of them, who have been the Inſtruments of ſo much bloodſhed and miſchief againſt both Kingdoms.

23 That by Act of Parliament the concluding of Peace or Warre with Forraign Princes and States, be with advice and conſent of both Parliaments, or in the intervals of Parliaments by their Commiſſioners.

24 That an Act of Oblivion be paſſed in the Parliaments of both Kingdoms reſpectively, relative to the Qualifications in the Propoſition aforeſaid, concerning the joynt Declaration of both Kingdoms, with the exception of all Murderers, Theeves, and other Offendors, not having relation to the Warre.

25 That the Members of both Houſes of Parliament, or others, who have, during this Parliament, been put out of any Place or Office, Penſion or benefit, for adhering to the Parliament, may either be reſtored thereunto, or otherwiſe have Recompence for the ſame, upon the humble deſire of both Houſes of Parliament. The like for the Kingdom of *Scotland*.

26 That the Armies may be Diſbanded at ſuch time and

and in such manner, as shall be agreed upon by the Parliaments of both Kingdoms, or such as shall be authorised by them to that effect.

27 That an Act be passed for the granting and confirming of the Charters, Customs, Liberties and Franchises of the city of *London*, notwithstanding any *Non-user Mis-user* or *Abuser*. That the Militia of the City of *London*, may be in the ordering and Government of the Lord Major, Aldermen and Commons in Common-Councell assembled, or such as they shall from time to time appoint, whereof the Lord Major and Sheriffs for the time being to be three. And that the *Militia* of the Parishes without *London*, and the Liberties within the weekly Bills of Mortality, may be under the Command of the Lord Major, Aldermen, and Commons in Common-Councell of the said City, to be ordered in such manner as shall be agreed on, and appointed by both Houses of Parliament.

That the Tower of *London* may be in the Government of the City of *London*, and the chief Officer and Governour thereof from time to time be nominated and removeable by the Common-Councell.

That the Citizens or Forces of *London*, shall not be drawn out of the City, into any other parts of the Kingdom, without their own consent, and that the drawing of their Forces into other parts of the Kingdom in those distracted times, may not be drawn into example for the future.

And for prevention of Inconveniencies which may happen by the long intermission of Common-Councels, It is desired that there be an Act, that all By-Laws and Ordinances already made or hereafter to be made by the Lord Major, Aldermen, and Commons in Common-Councell assembled, touching the calling, continuing, directing,

recting, and regulating of the same, shall be as effectual in Law to all intents and purposes, as if the same were particularly enacted by the Authority of Parliament: And that the Lord Major, Aldermen, and Commons in Common-Councell, may adde to or repeal the said Ordinances from time to time as they shall see cause.

That such other Propositions as shall be made for the City for their further safety, welfare, and Government, and shall be approved of by both Houses of Parliament, may be granted and confirmed by Act of Parliament.

Upon consideration of which Propositions, His Majesty sent the Duke *of* Richmond, *and the Earl of* Southampton *with this* Message *of the* 13. *of* December.

II. HIs Majesty hath seriously considered your Propositions, and finds it very difficult in respect they import so great an alteration in Government, both in Church and State, to return particular and positive answer before a full debate wherein those Propositions, and all the necessary Explanations, and reasons for assenting, dissenting, or qualifying, and all inconveniences, and mischiefs which may ensue, and cannot otherwise be so well foreseen, may be discussed and weighed; His Majesty therefore proposeth and desireth, as the best expedient for Peace, That you will appoint such number of Persons as you shall think fit, to Treat with the like number of Persons to be appointed by His Majesty, upon the said Propositions, and such other things as shall be proposed by His Majesty, for the preservation and defence of the Protestant Religion (with due regard to the ease of tender Consciences, as His Majesty hath often

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...ed) the Rights of the Crown, the Li... and Property of the Subject, and the Pri... ...es of Parliament. And upon the whole mat... ...conclude a happy and blessed Peace.

To which Message this Answer of the 27. of December *was returned to His Majesty.*

May it please Your Most Excellent Majesty,

WE Your Majesties humble and Loyall Subjects of both Kingdoms, have considered of Your ...esties Message of the 13. of *December* 1644. sent by ...uke of *Richmond*, and the Earl of *Southampton*, di... to the Lords and Commons assembled in the Par... ...ent of *England* at *Westminster*, and to the Commis... ...ers of the Parliament of *Scotland* now at *London*; ...do in all humblenesse return this Answer. III.

That we do consent there be a Treaty for a safe and ...grounded Peace: But find that it will require some ... to resolve concerning the Instructions, and manner ... Treaty; And therefore, that Your Majesty might ... held in suspence touching our readinesse to make ... any opportunity for attaining such a blessed and ... Peace in all your Majesties Dominions, We ... not stay Your Majesties Messengers till we did re... upon all those particulars, which we will take into

our serious consideration, and present our humble desires to Your Majesty with all convenient speed.

Westminster, the 20. of *Decemb.* 1644.

Gray of *Wark*, Speaker of the House of Peers *pro tempore*.

Signed in the name, and by warrand of the Commissioners of the Parliament of Scotland.

William Lenthall, *Speaker of the Commons House Assembled in Parliament.*

LOWDON.

And afterwards upon the 18. *of* January *following*, Sir Peter Killigrew *brought this further Answer to His Majesty.*

May it please Your Most Excellent Majesty,

IV. WE Your Majesties humble and Loyall Subjects, the Lords and Commons assembled in the Parliament of *England* at *Westminster*, and the Commissioners of the Parliament of *Scotland*, do make our further answer to Your Majesties Message of the 13. of *December* last, 1644.

Concerning a Treaty for Peace, as followeth.

We do consent that there be a Treaty for a safe and well grounded Peace between Your Majesty, and Your humble and Loyall Subjects, assembled in the Parliaments of both Kingdoms. And for the present have appointed *Algernon* Earl of *Northumberland*, *Philip* Earl of *Pembrook* and *Mountgomery*, *William* Earl of *Salisbury*, *Basill* Earl of *Denbigh*, *Thomas* Lord Viscount *Wenman*, *Denzill Hollis*, *William Pierrepoint*, Sir *Henry Vane* Junior, *Oliver St. John*, *Bulstrode Whitlock*, *John Crew*, *Edmund Prideaux*,

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...for the Lords and Commons assembled in the Parliament of *England* at *Westminster*; And *John* Earl of ... Lord Chancellor of *Scotland*, *Archibald* Marquesse of *Argyle*, *John* Lord *Maitland*, *John* Lord *Balmerino*, Sir *Archibald Johnston*, Sir *Charles Erskin*, *George* ...*das*, Sir *John Smith*, Mr. *Hugh Kennedy*, and Mr. *Robert Barclay*, for the Estates of the Parliament of *Scotland*, together with Master *Alexander Henderson*, upon the Propositions concerning Religion, who, or any Ten of them (there being alwayes some of the Parliaments of both Kingdoms) are appointed and authorized to meet at ...*thbridge*, on what day your Majesty shall be pleased to ...d down before the last day of this present *January*, with ...h Persons as Your Majesty shall appoint under Your ...e Manuall for that purpose; And the number of the ...ons to Treat, not to exceed Seventeen on either part, ...ese the persons named for the Estates of the Parliament of *Scotland* now not here, or any of them shall come, ...hen Your Majesty may have the like number if you ...se. There *to Treat upon the Matters contained in the ...positions we lately sent unto Your Majesty; according to ...Instructions as shall be given unto them*. And the Propositions for Religion, the *Militia*, and for *Ireland*, to be ...Treated on and agreed, and the time for the Treaty upon the said Propositions for *Religion*, the *Militia*, and ...*Ireland*, not to exceed Twenty dayes; and for the ...gs mentioned in Your Message, to be propounded ...Your Majesty, when the Persons sent by Your Ma...shall communicate the same to the Committees ap...ted by us as aforesaid, we have directed them to ...d the same to us, that they may receive our Instructions what to do therein. And to the end that the Per...ons that are to be sent from Your Majesty and from us ...with their retinue, not exceeding the number of one

1402

Hundred and Eight on either part, may repair to *Ux-bridge*, stay there, and return at their pleasure without interruption. That mutuall safe Conducts be granted to the said Persons according to the severall Lists of their Names,

Signed by Order of the Lords and Commons Assembled in the Parliament of *England* at *Westminster*.

Gray of *Wark* Speaker of the House of Peers, *pro tempore*.

Signed in the name and by Warrant of the Commissioners of the Kingdom of *Scotland*.

LOWDON.

William Lenthall Speaker of the Commons House in the Parliament of *England*.

whereunto His Majesty returned an Answer inclosed in a Letter from Prince Rupert *to the Earl of* Essex, *dated the* of *January*; *which Letter and Answer were as follows*.

V.

Together with this inclosed in a Letter from Prince Rupert *to the Earl of* Essex, *His Majesty sent a safe Conduct for their Commissioners and their Retinue.*

The Letter.

My Lord,

I Am commanded by His Majesty to return this His Answer to the Message, lately sent Him from the Lords and Commons assembled in the Parliament of *England* at *Westminster*, and the Commissioners of the Parliament of *Scotland*, by Sir *Peter Killigrew*. I have likewise sent your Lordship His Majesties safe Conduct for the persons desired, and also a List of the names of those His Majesty hath appointed to Treat, for whom, together with their Retinue, His Majesty hath desired safe Conduct.

1403

The Answer inclosed.

VI.

HIs Majesty having received a Message by Sir Peter Killigrew, from the Lords and Commons assembled in the Parliament of England at Westminster, and the Commissioners of the Parliament of Scotland concerning a Treaty, returns this Answer, That His Majesty doth very willingly consent, that there be a Treaty upon the Matters contained in the Propositions, lately sent unto Him in such manner as is proposed, and at the place appointed in the said Message; and to that purpose His Majesty will send the Duke of Richmond, the Marquess of Hereford, the Earle of Southampton, the Earle of Kingston, the Earle of Chichester, the Lord Capell, the Lord Seymour, the Lord Hatton, the Lord Culpeper, Secretary Nicholas, Mr. Chancellour of the Exchequer, the L. Chief Baron Lane, Sir Orlando Bridgeman, Sir Thomas Gardiner, M. John Ashburnham, M. Jeffery Palmer, (together with Dr. *Steward*, Clerk of His Majesties Closet, upon the Propositions concerning Religion,) to meet with the persons mentioned in the said Message, at Vxbridge, on Wednesday night the 29. of this instant January, the Treaty to begin the next day: which persons, or any ten of them, shall be sufficiently authorised by His Majesty to Treat and conclude on His Majesties part; And to the end that the persons aforesaid, and their Retinue may repair to Vxbridge, stay there, and return at their pleasure without interruption, or molestation, during their abode there, to His Majesty, as often as occasion shall require: His Majesty desires that a safe Conduct may accordingly be sent

for the said persons and their Retinue, according to a List of their names herewith sent.

And then also inclosed in a Letter from Prince Rupert *the Earl of* Essex, *His Majesty sent Propositions to be Treated upon on His Majesties part, which Letter and Propositions follow.*

My Lord,

VII. *Prince* Ruperts *Letter.*

I Am Commanded by His Majesty to send these inclosed Propositions to your Lordship, to be presented to the Lords and Commons Assembled in the Parliament of *England* at *Westminster*, and the Commissioners of the Parliament of *Scotland*, to the end that there may be as little losse of time as is possible, but that the same may be Treated on assoone as may be thought convenient, after the entry upon the Treaty.

His Majesties Propositions to the Lords and Commons Assembled in the Parliament of *England* at *Westminster*, and the Commissioners of the Parliament of *Scotland*, for a safe and well grounded Peace.

VIII. *His Majesties Propositions.*

1. That His Majesties own Revenue, Magazines, Towns, Forts, and Ships, which have been taken or kept from Him by force, be forthwith restored unto Him.

2. That whatsoever hath been done or published, contrary to the known Laws of the Land, or derogatory to His Majesties Legall and known power and Rights, be renounced and recalled, that no seed may remain for the like to spring out of, for the future.

3 That

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That whatsoever illegall Power hath been
and exercised by, or over His Subjects, as
ning or putting to death their Persons
out Law, stopping their Habeas Corpusses, and
ing upon their Estates without Act of Par-
, &c. either by both, or either House, or any
mittee of both or either, or by any persons ap-
ted by any of them, be disclaimed, and all such
ons so committed forthwith discharged.

That as His Majesty hath alwayes professed
readinesse to that purpose, so He will most
ly consent to any good Acts to be made for
pression of Popery, and for the firmer setling
Protestant Religion established by Law; As
a good Bill may be framed for the better
ing of the Book of Common-Prayer from
and violence, And that another Bill may be
for the ease of tender Consciences, in such
culars as shall be agreed upon. For all which
Majesty conceives the best expedient to be,
a Nationall Synod be legally called with all
venient speed.

That all such persons, as upon the Treaty
be excepted, and agreed upon on either side out
Generall Pardon, shall be tryed Per Pares, ac-
ing to the usuall course and known Law of the
, and that it be left to that, either to acquit,
condemn them.

And to the intent this Treaty may not suffer
ruption by any intervening Accidents, That a
ation of Arms, and free Trade for all His Ma-
Subjects may be agreed upon with all pos-
speed.

Given at the Court at *Oxford*, the 22. day of *Jan.* 1644.

The

1406

The Earl of Essex *upon receipt hereof returned to Prin*
Rupert, *together with a safe Conduct, this*
Letter of the 25. of January.

Sir,

IX. I Am commanded by both Houses of the Parliament of *England*, and desired by the Commissioners of the Kingdom of *Scotland*, to desire your Highnesse to let His Majesty know, That they do agree, that their Committees do begin the Treaty at *Vxbridge* on Thursday the 30. of this *January*, with the Persons appointed by His Majesty on the matters contained in the Propositions lately sent unto His Majesty, in such manner as was proposed. And their Committees shall have Instructions concerning the Propositions sent from His Majesty in your Highnesse Letter. And you will herewith receive a safe Conduct from the Lords and Commons assembled in the Parliament of *England*, for the Persons that are appointed by His Majesty to come to *Vxbridge* to Treat on the Propositions for a safe and well grounded Peace, with their Retinue in a List hereunto annexed. Sir I am—

Westminster, 25. Your Highnesse humble Servant
Jan. 1644. ESSEX.

Thursday the 30. of *January*, all the Commissioners named by His Majesty, and Commissioners named by the two Houses of Parliament in *England*, and the Estates of the Parliament in *Scotland*, did meet at *Vxbridge*, where their Commissions were mutually delivered in, and read, and are as followeth.

His

1407

His MAJESTIES Commission:

CHARLES R.

[illegible] after severall Messages sent by us to [illegible] the Lords and Commons of Parliament as[illegible] at Westminster, expressing Our desires of [illegible], certain Propositions were sent from them, [illegible] brought unto Us at Oxford, in November last, [illegible] Earl of Denbigh and others, and upon Our [illegible], Messages, and Propositions to them, and [illegible] Returns to us, it is now agreed, That there [illegible] Treaty for a safe and well grounded Peace, [illegible] at Uxbridge on Thursday the 30. of this in[illegible], as by the said Propositions, [illegible] Messages, and Returns in writing may more [illegible]. We do therefore hereby appoint, as[illegible] constitute, James Duke of Richmond and [illegible] Marquesse of Hertford, Thomas Earl [illegible], Henry Earl of Kingston, Francis Earl [illegible], Francis Lord Seymour, Arthur Lord Ca[illegible], Christopher Lord Hatton, John Lord Culpeper, [illegible] Nicholas Knight, one of Our principall [illegible] of State, Sir Edward Hide Knight, [illegible] and Under-Treasurer of Our Exche[illegible], Sir Rich. Lane, chief Baron of Our said Exche[illegible], Sir Thomas Gardiner, Sir Orlando Bridge[illegible], Mr. John Ashburnham, and Mr. Jeffery Palmer, together with Doctor Richard Steward, upon these Propositions concerning Religion) to be Our Com[illegible] touching the premisses. And do hereby give unto them, and to any ten or more of them, full power and authority to meet, and on Our part to Treat with Algernon Earl of Northumberland, Philip Earl of Pembroke and Montgomery, William Earl of Salisbury, Basill Earl of Denbigh, Tho. Lord Viscount

X.

 Wenman,

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Wenman, Denzill Hollis, William Pierrepoint Esquires, Sir Henry Vane the yonger, Knight, Oliver St. John, Bulstrode Whitlock, Iohn Crew, and Edmund Prideaux Esquires for the Lords and Commons assembled in the Parliament of England at Westminster; and John Earl of Lowdon Lord Chancellour of Scotland, Archibald Marquesse of Argile, John Lord Maytland, John Lord Balmerino, Sir Archibald Johnston, Sir Charles Erskin, George Dundas, Sir John Smith, Sir Hugh Kennedy, & M. Robert Barclay, for the Estates of the Parliament of Scotland, (together with M. Alexander Henderson, upon the Propositions concerning Religion) or with any ten or more of them, to treat and touching the matters contained in the said Propositions, Answers, and Messages, or any of them, according to the manner and agreement therein specified, or otherwise, as they or any ten, or more of them shall think fit, and to take all the premisses into serious consideration, and to compose, compound and end all differences arising thereupon, or otherwise, as they, or any ten or more of them in their wisdoms shall think fit; And upon the whole matter to conclude a safe and well grounded peace, if they can: And whatsoever they, or any ten or more of them, shall do in the premisses, We do by these presents ratifie and confirm the same. *Given at Our Court at* Oxford, *the Eight and Twentieth day of* January, *in the Twentieth yeer of Our Reign*, 1644.

Their Commission to the English Commissioners.

Die Martis. 28 January, 1644.

XI. BE it ordained by the Lords and Commons assembled in Parliament; That *Algernon* Earl of *Northumberland*, *Philip* Earl of *Pembroke* and *Montgomery*, *William* Earl of *Salisbury*, *Basill* Earl of *Denbigh*, *Thomas* Lord Viscount *Wenman*,

Denzill Hollis, *William Pierrepoint*, Sir *Henry Vane* ...or, *Oliver St. John*, *Bulstrode Whitlock*, *John Crew*, and ...*Prideaux*, shall have power and authority, and are ...by authorized to joyn with the Commissioners of the ...liament of *Scotland*, together with *Alexander Hender*-...upon the Propositions concerning Religion onely, To ...with the Lord Duke of *Richmond*, Marquesse of ...ford, the Earl of *Southampton*, the Earl of *Kingston*, ...Lord *Dunsmore*, Lord *Capell*, Lord *Seymour*, Sir *Chri*-...*Hatton*, Sir *John Culpeper*, Sir *Edward Nicholas*, Sir ...*Hide*, Sir *Richard Lane*, Sir *Orlando Bridgeman*, Sir ...*Gardiner*, M. *John Ashburnham*. M. *Jeffery Palmer*, ...tenne of them, upon the Propositions formerly ...His Majesty (for a safe and well grounded Peace) ...His Majesties humble and Loyall Subjects assembled ...Parliaments of both Kingdoms, together with ...*Steward*, upon the Propositions, concerning Re... onely, and upon his Majesties Propositions accord... such Instructions as have been given to them, or as ...from time to time shall receive from both Houses of ...ment.

John Brown
Cler. Parliamentor.

Their Commission to the *Scots* Commissioners.

XII.

AT *Edinburgh* the saxteint day of *Iulii*. The zeir of God M.vj^{c} *fourtye four zeires*. The Estaistes of Par...ment presently conveined be vertew of the last act of the ...Parliament, haldin by His Majesty and thrie Estaites ...Anno 1641. Considering that this Kingdom efter all ...means of supplicationnes, Remonstrances, and ...ding of Commissionaris to His Majesty, have bein used ...without succesſ, Did enter into a solemn league and Co...nant, with the Kingdom and Parliament of *England*, for ...formationne and defence of Religionne, the honor and

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happineſſe of the King, the peace and ſafety of the thrie Kingdoms, of *Scotland*, *England*, and *Ireland*. And ane Treattie aggried upon, and ane Armie and Forces raiſed, and ſent out of yis Kingdom for theſe endis. Quhairupone the Conventionne of Eſtaiſtes of this Kingdom, the nynt of *January* laſt, being deſirous to uſe all good and lawfull means, that Treuth and Peace might be eſtabliſhed in all His Majeſties Dominions, with ſuch a bleſſed Pacificationne betwixt His Majeſty and His Subjects, as might ſerve moſt for His Majeſties trew honor, and the ſafety and happines of His people; Granted Commiſſione to *Iohn* Erle of *Lowdounne* high Chancellor of *Scotland*, *Iohne* Lord *Maitland* than and zit in *England*, ſir *Archibald Iohneſtounne* of *Warieſtounne*, ane of the Lordis of *Seſſionne*, and Maiſter *Robert Barclay* now in *England*, to repaire to *England*, with power to thame, or any twa of yame, to endeavoure the effectuating of ye foirſaides endis, conforme to the Commiſſione and inſtructiones than giving to thame, as the Commiſſione of the dait foirſhid proportis. Lyke as the ſaides *Iohne* Lord of *Maitland*, ſir *Archibald Iohnneſtounne*, and Maiſter *Robert Barclay* have evir ſince attendit in *England*, in the diſcharge of the foirſaid Commiſſione. Quhill lately that ſir *Archibald Iohneſtounne* returned with ſome Propoſitiones, prepaired by the Committie of both Kingdoms, to be preſented to the Eſtaites of *Scotland*, and to both howſs of the Parliament of *England*, and by thame to be reviſed, and conſidderit, and than by mutuall advyſe of both Kingdoms to be preſented for ane ſafe and well grounded Peace. Qwhilkies Propoſitiones are reviſed, and conſidderit, and advyſed be the Eſtaites of Parliament now conveined, and their ſenſe and reſultis drawin up yrupone. Whiche Commiſſione is to endure while the comming of the Commiſſionars underwrittin. And heirewith alſo conſidderin, That the endis for the whilk the ſamen was granted, ar not zit effectuate; and that the Propoſitiones

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[illegible]ions with ye Estaites thair resultis yrupone ar to be [illegible]ned to ye Parliament of *England*. Thairfore the [illegible]tes of Parliament be thir presentis gives full powar [illegible] Commissione to the said *Iohne* Earl of *Lowdonne*, Lord [illegible] Chancellor of yis Kingdom, *Archibald* Marqueis [illegible] *Argyle*, and *Iohne* Lord *Balmerino* for the Nobility, Sir [illegible] *Iohnestounne* of *Wariestonne*, sir *Charles Erskyne* of [illegible]*skenneth*, and Maister *George Dundas* of *Maner*, for [illegible] Barrones, sir *Iohne Smyth* of *Grottell* Proveist of *Eden*[illegible], *Hew Kennedy* Burges of *Air*, and Master *Robert Bar*[illegible] for the Burrows (the thrie Estaites of yis Kingdom) & [illegible] *Iohne* Lord *Maitland* supernumerarie in this Commis[illegible], or to any thrie or mae of the haill number, thair be[illegible] ane of ilk Estate as Commissionaris from the Estaites of [illegible]ament of this Kinkdome, to repair to the Kinkdom of [illegible]*land*, (sick of them as ar not thair already) and with [illegible] to thame or any thrie or mae of the whole number, [illegible] being ane of ilk Estaite, to endeavour the effectuating [illegible] ye foirsaides endis, the concluding of the Propositions [illegible] the Estaites thair results thairupon, And all suche uyr [illegible]eris concerning the good of bothe Kingdoms, as ar [illegible] sall be from time to time committed unto thame be the [illegible]tes of yis Kingdom or Committies thairof, accord[illegible] to the Instructiones givin, or to be givin, to the Com[illegible]sionaris abovenameit, or their quuorums. And for [illegible] effect, The Estaites Ordeanes, *Iohne* Erle of *Lowdonne* [illegible]ncellor, *Iohne* Lord *Balmerino*, sir *Archibald Iohnstounne* [illegible] *Wariestounne*, sir *Charles Erskynne* of *Cambuskenneth*, and [illegible] *Kennedy*, to repair with all dilligence to the Kingdom [illegible] *England*, to the effect before rehearsit conform to this Commissione and Instructiones. As also the Estaites Or[illegible]eanes ye saides *Archibald* Marqueis of *Argyle*, M. *George Dundas* of *Maner*, and sir *Iohne Smith* Provist of *Edenburgh* to repair to ye Kingdom of *England*, with all sick conveni[illegible]ncie as the occasions of ye businesse shall require, or as

 they

they ſall be commandit, ather be the Committie from the Parliament heir, they being in *Scotland*, or be the Committie with the Army, they being in *England*. And Ordeanes thame to joyne with the remanent Commiſſionaris to the affect above mentionat, conforme to the Commiſſione and Inſtructiones givin, or to be givin to the Commiſſionals or thair quuorums thair anent be the Eſtaites of this Kingdome or Committies yrof, And the Eſtaites of Parliament, be thir preſentis haldis and ſall halde firme and ſtable all and what ſumm evir thinges the Commiſſionaris abovenameit, or any thrie or mae of thame ſall do, conforme to this Commiſſionne, and to the Inſtructionnes given, or to be givin to thame. Extractit furthe of the buikes of Parliament, be me ſir *Alexander Gibſone* of *Dunrie*, Knyt, Clerk of His Majeſties Regiſters and Rollis, under my ſigne and ſubſcriptionne Manuall.

Alexander Gibſonne Cler. Regiſt.

After the Commiſſions read, their Commiſſioners delivered to His Majeſties Commiſſioners this Paper.

January. the 30.

XIII. WE are directed by Our Inſtructions, to Treat with your Lordſhips upon the Propoſitions concerning Religion, the *Militia*, and *Ireland*, three dayes a piece, (*alternis vicibus*) during the ſpace of twenty dayes, from the 30. of *January*, beginning firſt with the Propoſitions of Religion, and accordingly we ſhall deliver unto your Lordſhips a Paper to morrow morning upon thoſe Propoſitions.

Accordingly the Treaty did proceed upon thoſe Subjects three daies a piece, (*Alternis vicibus*) beginning with that of Religion upon Friday the laſt of *January*, and ſo continuing Saturday the firſt, and Monday the third of *February*, which was after reſumed, Tueſday the 11. *Wedneſday* the 12. and Thurſday the 13. of *February*, and again the

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the two last dayes of the 20. And the like course was held touching the *Militia* and *Ireland*.

But because the passages concerning each Subject severally will be more cleerly understood, being collected and disposed together under their severall heads, therefore all those which concern *Religion*, the *Militia*, and *Ireland*, are set together; And in like manner the passages preparatory to the Treaty; concerning the Commissions, the manner of the Treaty, and a seditious Sermon made the first day appointed for the Treaty; And such as hapned in the Treaty touching His Majesties Propositions; The demands of further time to Treat, and other emergent passages which have no Relation to those of *Religion*, the *Militia* and *Ireland*, are in like manner digested under their severall heads, with their particular dates.

And first those which concern the Commissions.

Friday the last of *January*, His Majesties Commissioners delivered unto Their Commissioners this Paper;

Vlt. January.

XIV. WE having perused the power granted to your Lordships in the Paper delivered by the Earl of *Northumberland*, and finding the same to relate to Instructions, we desire to see those Instructions, that thereby we may know what power is granted to you; & we ask this the rather, because by the Powers we have seen, we do not find that your Lordships, in the absence of any one of your number, have power to Treat.

All their Commissioners were not then come to Uxbridge.

Their Answer. 31. *January.*

XV. BY our Instructions we, or any tenne of us, whereof some of either House of the Parliament of *England*, and some of the Commissioners of the Kingdom of *Scotland*, to be present, have power to Treat with Your Lordships.

Their

Their further Answer. *Vlt. Januarii.*

XVI. WHereas your Lordships have expressed unto us a desire of seeing our Instructions, to know what Power is granted us; and this the rather because you [illegible] you find not by what you have seen, that in the absence of any one of our number, we have power to Treat. To this we return in Answer, that since the Paper already delivered in by us, declaring that by our Instructions any ten of us, whereof some of either House of the Parliament of *England*, and some of the Commissioners of the Kingdom of *Scotland* to be present, had power to Treat with your Lordships, hath not given you satisfaction in the particular of the *Quorum*, we shall send unto the two Houses of Parliament, to have the *Quorum* inserted in the Commission, and do expect the return of it so amended, within two or three dayes, when we shall present it unto your Lordships. But as for your desire in generall to see our Instructions, it is that for which we have no Warrant, nor is it, as we conceive, at all necessary, or proper for us so to do, for that the Propositions upon which we now Treat, have been already presented from the Parliaments of both Kingdoms unto His Majesty, and whatsoever is propounded by us in order unto them, is sufficiently warranted by what both Parliaments have done in the passing and sending of those Propositions, and by the Commissions authorising us to Treat upon them, already shewn unto your Lordships, so as there can be no need to shew any other power.

Accordingly on Saturday the first of February, *they did deliver their Commission for the English Commissioners renewed, as followeth.*

Die Sabbatis primo Feb.

XVII. BE it Ordained by the Lords and Commons assembled in Parliament, That *Algernon* Earl of *Northumberland*, *Philip* Earl of *Pembrook* and *Montgomery*, *William* Earl of

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...bury, Basill Earl of Denbigh, Thomas Lord Viscount ..., Denzill Hollis, William Pierrepont, Sir Henry Vane ..., Oliver St. John, Bulstrode Whitlock, John Crew, and Ed... Prideaux, shall have power and authority, and are ...reby authorized to joyn with the Commissioners of the ...liament of Scotland, together with Alexander Henderson, ...on the Propositions concerning Religion onely, or any ... of them, whereof some of either House of the Parlia...ent of England, and some of the Commissioners of the ...liament of Scotland are to be present, to Treat with the ...d Duke of Richmond, the Marquesse of Hertford, the ...l of Southampton, the Earl of Kingston, the Lord Duns..., Lord Capell, Lord Seymour, Sir Christopher Hatton, Sir ... Culpeper, Sir Edward Nicholas, Sir Edward Hide, Sir ...ard Lane, Sir Orlando Bridgeman, Sir Thomas Gardiner, ... John Ashburnham, and M. Jeffery Palmer, or any ten of ..., upon the Propositions formerly sent to His Majesty, ...r a safe and well grounded Peace) from His Majesties ...mble and loyall Subjects assembled in the Parliaments ... both Kingdoms, Together with Doctor Stuard upon ... Propositions concerning Religion onely; And upon ... Majesties Propositions, according to such Instructions ... have been given to them, or as they from time to time ...ll receive from both Houses of Parliament.

Jo. Browne Cler. Parliam.

The same last of January, *their Commissioners delivered to His Majesties Commissioners this Paper.*

January, 31.

XVIII. HAving considered your Commission and Power from His Majesty, given in last night by your Lordships, we find that you are authorized to Treat onely upon certain Propositions sent to His Majesty from the Lords and Commons of Parliament assembled at *Westminster*, and upon His Majesties Answers, Messages, and

1.416.

Propositions to them, and their returns to His Majesty; Wherein we observe, that the Propositions sent to His Majesty, from His Majesties Loyall Subjects assembled in the Parliaments of both His Kingdoms, are mentioned to be sent to His Majesty from the Lords and Commons of Parliament assembled at *Westminster*, and upon His Majesties Answers, Messages, and Propositions to them, and their Returns to His Majesty, that a Treaty is to begin. And wherein we also observe you have no Power thereby to Treat upon the Propositions sent to His Majesty from His humble and Loyall Subjects Assembled in the Parliaments of both Kingdoms, and the Answers, Messages, and Propositions sent from His Majesty to the Lords and Commons Assembled in the Parliament of *England* at *Westminster*, and the Commissioners of the Parliament of *Scotland*, then at *London*, and their Returns to His Majesty. We desire those defects may be cleered and speedily amended.

The King's Commissioners Answer,
3^d. *January*,

XIX. WE conceive Our Power, being to Treat upon the Propositions brought by the Earle of *Denbigh* and others, and those Propositions being sent from the Parliaments of both Kingdoms, there need no mention of the Parliaments of both Kingdoms in that place, but that Our power is ample to Treat with your Lordships upon the whole, both by expresse words, and by other generall words in the Commission; which give power to Treat upon those Propositions, or any other; which generall words are not observed by your Lordships in your Paper; And our Power is to Treat with the Lords and others authorized for the Estates of the Parliament of *Scotland* by name: yet since you insist upon it, it shall be altered by Tuesday next. And in the mean time (if your Lordships

please

please) we desire the Papers promised yesterday, in the Paper delivered by the Earl of *Northumberland*, may be delivered unto Us, that there may be as little losse of time as may be.

* *The Papers intended, are the Propositions concerning Religion, which were not then delivered.*

Their Reply. 31. *Jan.*

XX.

IN Answer to your Lordships Paper, concerning your Power to Treat, we are content to proceed in the Treaty with your Lordships, in expectation that the Defects mentioned by us in our Paper, shall be supplyed by Tuesday next.

On Munday the third of February, *the Kings Commissioners did deliver their Commission renewed, as followeth.*

CHARLES R.

XXI.

WHereas certain Propositions were sent unto us from the Lords and Commons Assembled in the Parliament of *England* at *Westminster*, and from the Commissioners of the Parliament of *Scotland*, which were brought unto Us at *Oxford* in *November* last, by the Earl of *Denbigh*, and others, and upon Our Answers, &c. *as followeth verbatim, in His Majesties former Commission.*

Touching the manner of the Treaty.

The King's Commissioners Paper,
31. *January.*

XXII.

WE desire, to the end there may be a greater freedom in debate (which we conceive will much conduce to the happy conclusion of this Treaty) that nothing may be understood to be concluded on either side, but what is delivered in Writing, according as your Lordships have begun. And we declare, That what shall be delivered in writing upon any Proposition, or upon any

part of a Propoſition, is not to be binding or prejudiciall to either Party, if the Treaty break off upon any other Propoſition, or part of any other Propoſition.

Their Anſwer. 31. *January.*

XXIII. WE ſhall deliver our Demands and Anſwers in writing, and deſire your Lordſhips to do the like.

The King's Commiſſioners Reply, 1. *Feb.*

XXIV. WE deſire a full Anſwer of our Paper, that nothing ſhall be taken as agreed upon, but what is put in writing, and your Concurrence in declaring that what ſhall be delivered in writing upon any Propoſition, or upon any part of a Propoſition, ſhall not be binding or prejudiciall to either Party, if the Treaty break off.

Their further Anſwer. 1. *February.*

XXV. ACcording to our former Paper, we ſhall deliver our demands and anſwers in writing, and we deſire your Lordſhips to do the like, and nothing ſhall be taken as agreed upon, but what is put in writing. And we ſhall acquaint the Houſes of Parliament, that you have declared what ſhall be delivered in writing upon any Propoſition, or upon any part of a Propoſition, is not to be binding or prejudiciall to either Party, if the Treaty break off.

3. *February.*

XXVI. IN anſwer to your Lordſhips Paper formerly delivered, we do declare, That what ſhall be delivered in writing upon any Propoſition, or upon any part of a Propoſition, is not to be binding or prejudiciall to either Party, if the Treaty break off upon any other Propoſitions, or part of any Propoſition.

Touching

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Touching the Seditious Sermon:

The KING'S Commissioners Paper.

31. *January.*

WE have certain Information from divers Persons present in *Uxbridge* Church yesterday, that there was then a Sermon Preached by one Mr. *Love*, in which were many passages very Scandalous to His Majesties Person, and derogatory to His Honour, stirring up the people against this Treaty, and incensing them against us, telling them, *That we come with hearts full of Blood, and that there is a great distance between this Treaty and Peace, as between Heaven and Hell*, or words to that effect; with divers other Seditious passages, both against His Majesty and this Treaty. We know His Majesties hearty desire of a happy and well grounded Peace, such as may be for Gods Honour, and the good of all His Subjects, as well as himself. And we that are entrusted by His Commission, come with cleer Intentions to serve Him in it, according to our Consciences, and the best of our Judgements. And this being Preached in your Quarters, where we are now under safe Conduct, we desire your Lordships to consider, how much this may reflect upon our Safety, how much it may prejudice and blast the blessed hopes of this Treaty, and how just offence and distrust it may beget in His Majesty; And therefore we desire Justice against the Man, that he may have exemplary punishment. XXVII. *It was on Thursday, being Market day, and the first day of the Meeting.*

Their Answer. 31. *January.*

TO the Paper delivered in by your Lordships this day, concerning the Information received of severall Scandalous passages Preached in a Sermon in *Uxbridge* Church, by one Mr. *Love*, we do return this Answer, That the said Mr. *Love*, is none of our Retinue, nor came hither by XXVIII.

any privity of ours; that we conceive it moſt reaſonable, and agreeable to the buſineſſe we are now upon, that all juſt occaſions of offence on either part be avoided; And as it hath been our deſire, ſo it ſhall be our endeavour, to take the beſt care we can, to prevent all prejudices upon the preſent Treaty which may blaſt the bleſſed hopes thereof, or may beget any juſt offence and diſtruſt in His Majeſty, and ſhall be as tender of the ſafety of your Lordſhips perſons, according to the ſafe Conduct, as of our own. We ſhall repreſent your Lordſhips Paper concerning this buſineſſe (if your Lordſhips ſo deſire) unto the Lords and Commons aſſembld in the Parliament of *England*, who will proceed therein according to Juſtice.

The King's Commiſſioners Reply,
1. *February.*

XXIX. WE inſiſt upon our former deſire concerning the Sermon Preached by Mr. *Love*, and muſt refer the way of doing Juſtice to your Lordſhips; and if your Lordſhips are not ſatisfied that ſuch Words as we have charged him with were ſpoken by him, we are ready to produce our proof thereof to your Lordſhips.

Their further Anſwer. 1. *February.*

XXX. WE will repreſent both your Lordſhips Papers concerning Mr. *Love* unto the Lords and Commons aſſembled in the Parliament of *England* at *Weſtminſter*, who will proceed therein according to Juſtice.

In

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In the next place, according to the Order before mentioned, do follow the passages and Papers concerning, *Religion.*

Their Paper, 31, *Jan.*

XXXI.

ACcording to the * paper delivered by us to your Lordships yesternight, we do now offer these Propositions following which concern *Religion.*

That the Bill be passed for Abolishing and taking away of all Arch-Bishops, Bishops, &c. according to the third Proposition.

That the Ordinances, concerning the Calling & Sitting of the Assembly of Divnes, be confirmed by Act of Parliament.

That the Directory for Publique Worship, already passed both Houses of the Parliament of *England*; And the Propositions concerning Church Government, hereunto annexed, and passed both Houses, be enacted as a part of Reformation of Religion, and Uniformity, according to the fifth Proposition.

That His Majesty take the Solemn League and Covenant, and that the Covenant be enjoyned to be taken according to the second Proposition.

* *The Paper intended, is that before of* 30. Jan. nº. 13. *The Propositions here intended, are those before mentioned on their part, sent by the Earl of* Denbigh, *and* Others *to* Oxford. *And the Bill for abolishing* Episcopacy, *is in the Appendix.* nº. 3.

To this was annexed the following Paper of the 31. *January.*

That the Ordinary way of dividing Christians into distinct Congregations, and most expedient for edification, is by the respective bounds of their dwellings.

That the Minister, and other Church-Officers in each particular Congregation, shall joyn in the Government of the

the Church, in such manner as shall be established by Parliament.

That many particular Congregations shall be under one Presbyteriall Government.

That the Church be governed by Congregationall, Classicall, and Synodicall Assemblies, in such manner as shall be established by Parliament.

That Synodicall Assemblies, shall consist both of Provinciall and Nationall Assemblies.

The King's Commissioners Paper, 1. February.

XXXII. HAving considered your Lordships Paper, containing the Propositions concerning *Religion*, with the Papers annexed, and finding the same to contain absolute Alterations in the Government both of the Ecclesiasticall and Civile State; We desire to know, whether your Lordships have Power to Treat and debate upon the said Propositions, and upon debate to recede from, or consent to any alterations in the said Propositions, if we shall make it appear to be reasonable so to do, or whether your Lordships are bound up, by your Instructions, to insist upon the Propositions without any alteration.

Their Answer, 1. Feb.

XXXIII. OUr Paper given in to your Lordships, concerning *Religion*, doth contain no alterations, but such as are usuall in a time of Reformation, and by the Wisdom of the Parliaments of both Kingdoms are judged necessary at this time, for setling Religion and Peace. And as by our Commissions and Papers, formerly shewed your Lordships, we have made known our Power to Treat upon them; so are we ready, by debate, to shew how reasonable they are; And that there will be no reason to expect that we should alter or recede from them. But as for your demand

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demand of our shewing what further power we have by our Instructions, It is that we have no warrant to do, as we have already signified to your Lordships by a former Paper.

The King's Commissioners Paper.

1. *Feb.*

YOur Lordships first Proposition in the Paper concerning *Religion*, referring to the third Proposition sent to His Majesty, we find that referres to the Articles of the late Treaty of the date at *Edinburgh*, 29. *Nov.* 1643. and to the joynt Declaration of both Kingdoms. We desire your Lordships we may see those Articles and Declarations, and your Lordships second Proposition in that Paper, referring to the Ordinances concerning the calling and sitting of the Assembly of Divines; We desire to see those Ordinances. XXXIV.

Their Answer. 1. *Feb.*

ACcording to your Lordships desire in the * third Paper, we now deliver in the Articles of the late Treaty of the date at *Edinburgh* 29. of *November*, 1643. and the * joynt Declaration of both Kingdoms; And we shall speedily deliver to your Lordships the Ordinances, concerning the calling and siting of the Assembly of Divines. XXXV.

* *Meaning the next present Paper.*

* *This joynt Declaration is already Printed.* *But the Articles being not Printed are in the Appendix nº* 4.

The King's Commissioners Paper. 1. *Feb.*

WE desire to know whether the Propositions, which we have received from your Lordships touching *Religion*, be all we are to expect from you upon that Subject. XXXVI.

Their Answer. 1. *Feb.*

XXXVII THere are other things touching Religion to be propounded by us unto your Lordships, upon the Propositions formerly sent unto His Majesty from the Parliaments of both Kingdoms; which we shall in due time give in unto your Lordships: But we do first desire your Answer to the Paper touching *Religion*, given in yesterday, that some good progresse may be made therein before the three dayes, assigned to Treat upon *Religion* in the first place, do expire.

The King's Commissioners Paper. 1 *Feb.*

XXXVIII. WE desired to know whether the Propositions we formerly received from your Lordships concerning *Religion*, were all that would be offered concerning that Subject, because we thought it very necessary (since so great alterations are proposed by you) to have a full view of the whole alterations that are desired, since in an Argument of the greatest weight and highest importance, we cannot possibly give a present Judgement of any part, till we have a prospect of the whole: But since your Lordships do not yet think it time to let us have a sight of the rest, but first desire our Answer to the * Paper delivered yesterday, which contains many particulars, of which we never heard before, we shall apply our selves to understand the things proposed by you, in such manner as we may return your Lordships a speedy Answer. And to that purpose must desire your Lordships information in some particulars, which are comprized in your Lordships Paper. And when your Lordships consider that the * Directory for Worship (being so long) was delivered to us

** See before* N°. 31.

** The Directory which was delivered in is of great length, and the Covenant delivered with it, both now Printed and obvious, are therefore forborn to be inserted here or in the Appendix.*

but

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but yesterday; That the Covenant, the Articles of the Treaty of *Edinburgh*, the Declaration of both Kingdoms (which are comprehended within the first Proposition) were delivered to us but this day; and therefore we could return no Answer concerning the Bill for abolishing Archbishops, and Bishops, (which is proposed to be passed) according to the third Proposition, in which the said Articles and Declarations are comprehended; and that the Ordinances for the Sitting of the Assembly are not yet delivered unto us. We are confident your Lordships will not think us negligent in making as good a progresse in the Treaty upon *Religion*, as is in our Power, which we shall indevour to advance with all diligence, and the best of our understanding.

Afterwards, the same first of *February*, the * Ordinances for the Assembly of Divines were delivered in.

* *See them in the Appendix* n° 5, & 6.

After some debate touching the nature of the Church Government, intended by the Paper annexed to the first Paper upon the Subject of Religion, which are here before set down. The Kings Commissioners delivered in this following Paper,

1. *Feb.*

XXXIX. THe Information we desire from your Lordships for the present, is, Whether, by the words in the first of those Propositions in your Lordships Paper annexed [*the respective bounds of their dwellings*] you intend the severall bounds of their dwelling Houses, or the bounds of Parishes, or whether you intend an alteration of the bounds of Parishes?

In the second Proposition, what other Church-Officers your Lordships intend shall joyn with the Ministers in

the Government of the Church; and what jurisdiction they shall exercise in order to that Government, and from whom they shall derive it, and in what degree be subordinate to the power from whom they derive it; And what you intend by *Presbyteriall Government*, in your third Proposition.

In the fourth Proposition, what your Lordships intend by *Congregationall Classicall and Synodicall Assemblies.*

How Synodicall Assemblies, Provinciall and Nationall, shall be constituted as to persons and causes; and what shall be the bounds and limits of their Jurisdiction; and from whom the severall Jurisdictions, above mentioned, shall be derived.

To these particulars we would be glad (if your Lordships think it fit) to receive satisfaction by debate, where Questions may be asked and Replyes made, before any Answer be returned in Writing, which may ask much time, and be lesse satisfactory, but we referre the way to your Lordships.

Their Answer, 1. *Feb.*

XL. WE cannot but be sensible of the great losse of time, occasioned by your Lordships Questions for Information in your last Paper, and shall have small hopes of good successe in this Treaty, having these two dayes made so little progresse, unlesse your Lordships be pleased to give us full Answers to our demands concerning Religion; Yet to give all satisfaction, with as little expence of time as may be, we are ready, by present conference, to cleer the Questions in your Paper.

The King's Commissioners Reply in two severall Papers, next following, 2. *Feb.*

XLI. WE conceive there was no cause your Lordships should apprehend any losse of time occasioned by our

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our Questions, for that your Propositions concerning Religion were not delivered to us till Friday last; And the Directory, then delivered with them, so long, that the reading of it spent the residue of that day; and divers other Papers to which the Propositions referred, and without which we could not consider them, were not delivered us before yesterday, and some of them not till after the Paper which imputes a delay to us; and your Lordships, having propounded onely generall heads of a Presbyteriall Government, without any particular Modell of it, which in severall Reformed Churches (as we are informed) is various both in names and Powers, it was necessary to understand the particular expressions in your Paper, the alteration desired being so great, and being proposed to be enacted, which will require His Majesties consent, whom we ought to satisfie, having so great a trust reposed in us. And we desire your Lordships to consider, how impossible it hath been for us to give your Lordships, in lesse then two dayes, a full answer (which in your last Paper you require) to what you propose, which is in effect to consent to the utter abolishing of that Government, Discipline, and publique Form of the Worship of God, which hath been practized and established by Law here, ever since the Reformation; And which we well understand, and the Alteration of which, in the manner proposed, takes away many things in the Civill Government, and provides no remedy for the inconveniences which may happen thereby; And to consent to the Alienation of the Lands of the Church, by which (for ought appears) besides infinite other considerations, so many Persons may be put to begge their bread, to oblige His Majesty and all His Subjects to the taking a new Oath or Covenant, and to receive and consent to a new Government: we do not, nor without information cannot understand. And which (in truth) appears to us, by your Lordships Propositions,

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not to be yet agreed upon in the particulars. And your Lordships having declared to us, that you have other things to propose to us concerning Religion, which you do not yet think it fit time to acquaint us withall: Notwithstanding all which difficulties, we shall proceed with all possible expedition, and desire your Lordships will not object delayes to us, till we give you just occasion.

February. 2.

XLII. THat we may make a right use of the Information your Lordships were pleased yesterday to afford us in Debate upon the Questions proposed by us concerning the Propositions in your Lordships Paper annexed, for the future Government of the Church, and so have some understanding of that Government, intended by your Lordships, in place of that you propose to be abolished, we desire to receive your Lordships answer in writing, whether these short Collections upon the Debate yesterday, be the Summe of your Lordships Resolutions or Informations upon the Questions formerly proposed by us.

We conceive that the Information given to us in debate by your Lordships to the Questions we proposed to you in writing was,

1 That the Congregationall Assemblies consist of the Ministers and Ruling Elders.

2 That the Classicall Assemblies consist of many Congregationall Assemblies.

3 That the Provinciall Assemblies are constituted of the severall Classicall Assemblies.

4 That all these Congregationall, Classicall, and Provinciall Assemblies together, constitute a Nationall Assembly.

5 That the Authority and Jurisdiction of the severall Assemblies shall be setled by Parliament.

And

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And if your Lordships have any thing else to inform us concerning this Government, We desire to receive the same from your Lordships.

The Kings Commissioners Paper, 3. February.

XLIII. WE are ready by present Conference to enter upon consideration of your Lordships first Proposition concerning *Religion*, and shall desire to receive or give satisfaction, whereby we may be of one mind in that Argument. And for the better entring into this debate, we desire to know whether in respect of Alteration mentioned in the third Proposition, to be made in the Bill for abolishing *Episcopacy*, you would have this individuall Bill passe, or not?

Their Answer, 3. Feb.

XLIV. WE desire the Bill for the utter abolishing of *Episcopacy*, which now remaines with His Majesty may be passed without prejudice to us, to insist upon the * Alterations mentioned in the third Proposition; and we are ready to give your Lordships a present conference upon the first Proposition, concerning *Religion*, according to your desire.

* *The alterations intended here, and in the third Proposition, are according to the Articles of the Treaty at* Edenborourgh, *(which see in the Appendix, nº. 4) and the joynt Declaration of both Kingdoms, which are;* That whereas by the Bill, the Bishops Lands are mentioned to be given to the King; and other Church Lands for other uses, by those Articles and Declarations they may be taken away, and imployed to payment and recompence of the *Scots*, and for paying the publique Debts, and repairing or particular losses.

After a Conference, wherein much time was spent in debate, concerning that individuall Bill which was presented for abolishing *Episcopacy*, their Commissioners delivered this Paper;

3. Feb.

3. *Feb.*

XLV. WE desire your Lordships answer to our demands upon the Propositions for *Religion*, and in the first place to the Bill for abolishing of *Episcopacy*, which hath been so much debated, that upon the expiring of the first three dayes, appointed to Treat concerning *Religion*, we may be able to return such an account to the Parliaments of both Kingdoms, as may give them hopes of happy progresse in this Treaty.

The King's Commissioners Answer.

3. *Feb.*

XLVI. WE conceive we have offered so weighty doubts and considerations to your Lordships, in this dayes debate concerning severall parts in the Bill for abolishing of *Episcopacy*, (your Lordships having confined and limited our debate to that individuall Bill, as it is now penn'd, not to the consideration of abolishing *Episcopacy* in Generall) that your Lordships cannot expect a positive answer from us now (being after eleven a clock at night) touching that Bill: But we shall be ready by the next day assigned for the Treaty upon this Argument, to deliver our opinions to your Lordships; the which we shall be then the better able to doe, when we have found by the progresse in our other debates, how farre a blessed and happy Peace is like to be advanced by our endevouring to give your Lordships satisfaction in this particular.

This being the last of the three first dayes assigned for the Treaty upon *Religion*, that subject was again taken up the 11. of *Feb.* being the first of the second three dayes appointed for *Religion*.

And

And their Commissioners delivered this paper.

11. *Feb.*

HAving received no satisfaction in the first three dayes appointed to Treat upon the Propositions for *Religion*, we do now desire your Lordships cleer and full answer to our former demand on this subject, that no further time may be lost in a matter which doth so much concern the glory of God, the honour of the King, and the peace and happinesse of His Kingdoms. XLVII.

The King's Commissioners Answer.

11. *Feb.*

WE gave your Lordships as much satisfaction in the first three dayes appointed to Treat upon the Propositions for *Religion*, as in so short a time, and upon so little information from your Lordships, could reasonably be expected, in a matter of so great & high importance: & as we have given your Lordships already * many reasons concerning the Injustice and Inconveniency which would follow upon passing the Bill for abolishing *Episcopacy*, according to your first Proposition; so we are now ready, by conference, to satisfie your Lordships, why we conceive, that the said Bill is not for the glory of God, or the honour of the King, and consequently cannot be for the Peace and happinesse of His Kingdoms; and if your Lordships reasons shall convince us in those particulars, we shall willingly consent to what you desire: if otherwise, we shall offer to your Lordships our Consent to such other Alterations, as we conceive may better contribute to the Reformation intended, and such as may stand with the glory of God, and, in truth, before the honour of the King, and the Peace and happinesse of His Kingdoms. XLVIII.

* *That was by conference.*

Their Reply. 11. *Feb.*

XLIX. WE have received no ſatisfaction from your Lordſhips, concerning the Propoſitions delivered in by us for *Religion*, in the name of the Parliaments of both Kingdoms, nor have you made appear unto us, any injuſtice or inconveniency in the paſſing of the Bill for aboliſhing of *Epiſcopacy*. And as it cannot be denyed, but the ſetling of *Religion*, is a matter which doth highly concern the glory of God, the honour of the King, and the Peace and happineſſe of His Kingdoms; So do we deſire your Lordſhips will grant thoſe demands which have been made unto you by us to that end; And we are ready by preſent Conference, to receive what your Lordſhips will offer upon any of thoſe Propoſitions, and to return that which may give your Lordſhips juſt ſatisfaction.

The King's Commiſſioners Anſwer,
11. *February.*

L. YOur Lordſhips having expreſſed in your Paper of the firſt of *February*, That there are other things touching *Religion*, to be propounded by your Lordſhips to us, We preſume that by this time you may be enabled by your Inſtructions to propoſe the ſame; And therefore we deſire to receive them from your Lordſhips, which we hope your Lordſhips will think very reaſonable, when you conſider how incongruous a thing it will appear to moſt men, to conſent to reall and ſubſtantiall alterations in the matter of *Religion*, without having a view of the whole Alterations intended, when at the ſame time there is mention of other Alterations.

Their Anſwer thereunto, 11. *February.*

LI. WE ſhall deliver in, very ſpeedily, that which remains with us touching *Religion*, to be propounded unto

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unto your Lordſhips; But we do deſire, (as before) your Lordſhips Anſwers unto our Demands, in the ſame Order that we have propoſed them, not conceiving it reaſonable there ſhould be any time ſpent in debates, or Anſwers upon what we ſhall hereafter offer, till we have received ſatisfaction in our former Propoſitions, which we deſire may be ſpeedily done, leſt otherwiſe the Treaty be retarded, and the Expectation of both Kingdoms altogether fruſtrated.

Notwithſtanding this, they delivered in this further Anſwer, 11. *February.*

LII.

IN anſwer to your Lordſhips Paper this day delivered to us, we deſire, That His Majeſty do give His Royall Aſſent to an Act of Parliament for the due obſervation of the Lords Day, and to the Bill for ſuppreſſing of Innovations in Churches and Chappels, in and about the Worſhip of God, &c. And for the better advancement of the Preaching of Gods Holy Word in all parts of this Kingdom; And to the Bill againſt enjoying of Pluralities of Benefices by Spirituall Perſons, and non-Reſidency. And we ſhall in due time give into your Lordſhips our Demands concerning Papiſts, contained in the ſixth, ſeventh, eight, ninth, & tenth Propoſitions; And for His Majeſties Aſſenting to an Act to be framed and agreed upon in both Houſes of Parliament, for the regulating and reforming of both Univerſities, of the Colledges of *Weſtminſter*, *Wincheſter*, and *Eton*; and for the Education and Marriage of His Majeſties Children, and the Children of His Heirs and Succeſſors in the true Proteſtant Religion, as is in the 21. Propoſition.

See N°. 59.

Some part of the 11. and the moſt part of the 12. of *February*, was ſpent in Argument by Divines touching *Epiſcopacy*, and the *Presbyteriall Government*. Afterwards their Commiſſioners gave in this Paper.

12. *February.*

LIII. THere having now been ſeverall dayes ſpent in debate upon the Propoſitions for *Religion*; and all objections alleadged to the contrary, either from Conſcience, Law, or Reaſon, being fully Anſwered; and the time allotted for that ſo important a part of the Treaty almoſt elapſed, we ſhould be wanting to the Truſt repoſed in us, if we ſhould not preſſe and expect (as we now do) a cleer and poſitive Anſwer to thoſe Demands concerning *Religion*, which we have offered unto your Lordſhips from the Parliaments of both Kingdoms, as moſt neceſſary for the ſetling of a ſafe and well grounded Peace, in all His Majeſties Dominions.

The King's Commiſſioners Anſwer,
12. *February.*

LIV. WE deny, that the objections alleadged by us againſt the paſſing the Bill for aboliſhing *Epiſcopacy*, from Conſcience, Law, or Reaſon, have been fully Anſwered by your Lordſhips; Or that, indeed, we have received any ſatisfaction from your Lordſhips in theſe particulars. We have received no Information from your Lordſhips to ſatisfie us, That *Epiſcopacy* is, or hath been, an impediment to a perfect Reformation, to the * growth of Religion, or that it is prejudiciall to the Civill State, which we have often deſired from your Lordſhips, without effect and which are the Grounds upon which your Lordſhips propoſe the aboliſhing *Epiſcopacy*, and we ſhall be very willing, and are deſirous to receive your Lorſhips reaſons in theſe particulars. And how ſhort ſoever the time alotted is for the Treaty (for which we cannot be anſwerable, being not bound up in point of time by His Majeſty as your Lordſhips ſay you are by your Inſtructions; And we ſhould be glad, that the ſame might be enlarged proportionably to

* *Theſe words are in the preamble of the Bill, preſented by them for aboliſhing* Epiſcopacy.

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to the importance of the things to be Treated on) we should be wanting to the great Truſt repoſed in us, if we should conſent to thoſe Demands, as they are propoſed to us by your Lordſhips, otherwiſe then as they are agreeable to our Conſciences and underſtandings; And ſuch an Anſwer your Lordſhips ſhall receive from us, to your Demands concerning *Religion*, upon which we hope a ſafe and well grounded Peace, by the bleſſing of God, may be eſtabliſhed.

Their Paper, 13. Febr.

WE did aſſure our ſelves, That after ſo many dayes debate concerning *Religion*, and our removall of what ever objections have been offered by your Lordſhips, and our making it appear how great a hinderance *Epiſcopall* Government is, and hath been to a perfect Reformation, to the growth of *Religion*, and prejudiciall to the Civill State; that your Lordſhips would have been ready to have anſwered our expectation with the Grant of our demands, but if ſtill your Lordſhips remain unſatisfied, we conceive it cannot, with any Juſtice, be imputed unto us, and therefore we again deſire your Lordſhips full and cleer Anſwer to what we have delivered unto you concerning *Religion*. LV.

Upon this laſt Paper, and after the ſeverall debates between the Commiſſioners, and Arguments by the Divines, and conſideration had of all that had been delivered concerning *Religion*, His Majeſties Commiſſioners gave in theſe four Papers following.

13. Feb.

WE are not yet ſatisfied, that the Bill inſiſted on by your Lordſhips, which remains in His Majeſties hands for the utter aboliſhing of *Arch-Biſhops*, *Biſhops*, *Deans* LVI.

Deans; and *Chapters*, &c. ought to be enacted, believing it not to be agreeable to Conſcience and Juſtice, to alienate the Lands therein mentioned, to Lay-uſes; and not underſtanding that the alienation thereof is neceſſary at all to the Reformation of *Religion*: Beſides that there is no certain proviſion made for any of thoſe who are now legally veſted in thoſe poſſeſſions, whereby they and their families ſhall be in evident danger of want of bread: and it appearing by your Lordſhips Propoſitions, which relate to the Articles of the late Treaty, of the date at *Edinburgh* 29. of *Nov.* 1643. and the joynt Declaration of both Kingdoms, to which you require our Aſſent, as well as to the Bill, that part of the Church-land may be after the paſſing this Bill, aſſign'd to other uſes then is expreſt in the ſaid Bill. Upon theſe conſiderations, and upon your debate which hath paſſed between us upon this Bill, whereby it hath appeared, that there would be ſo great an Alteration in the Civill State, by this Bill being enacted, in the failer of Juſtice at the Common-Law, and otherwiſe in many ſeverall particulars, of great importance to the Subjects of this Kingdom, which for ought appears to us is not yet provided for. And that by a particular * Clauſe in the Bill, His Majeſties ancient and undoubted power of the *Eccleſiaſticall Juriſdiction* is wholly taken away. Beſides, it may be very conſiderable what inconveniences would enſue by the paſſing this Bill now, which looks back and is to begin from *Novemb.* was twelve moneth, whereby all thoſe Acts of Juriſdiction, exerciſed by Biſhops ſince that time, are already void, which would produce great inconveniences and miſchiefs touching the probates of Wills, and Adminiſtrations throughout the Kingdom; not to ſpeak of the doubts which may ariſe in many conſciencious men, who have been ordained by Biſhops ſince that time: which may ſeem to be likewiſe declared void by this Bill: and ſo at leaſt to diſcountenance all Acts

See before in the margin to the Paper, n°. 44.

** See that Clauſe in the Bill in the Appendix, n°. 3. at this mark †.*

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Acts which have insued by vertue of that Ordination; & thereby many Questions may arise in Law concerning Marriages, Legitimations, and Descents of Inheritance, and for many other reasons expresst in our Conference and Debate, We conceive that your Lordships may be satisfied, that this individuall Bill ought not to passe.

For the matter then of the said Bill, The extirpation of Episcopacy, we desire your Lordships to consider, That it is evident, and we conceive consented to on all parts, that it hath continued even from the Apostles times by continuall Succession in the Church of Christ, till within these few yeers, without intermission or interruption; and then how perillous a thing it must be, and prejudiciall to the publique peace, to remove and destroy a form of Government, so long exercised in this Kingdom, and under which we have enjoyed as great a measure of happinesse (to say no more) as any Nation in Christendom, & which your Lordships have not pretended to be unlawfull, before we particularly see the Modell of that Government & Jurisdiction which is to be established in the place thereof; That thereby we may be assured that it be such, to which as well those who like, as all those who dislike the present Government will submit: Otherwise Peace, which is the main end & pretence for Alterations, cannot be established: & therefore we very earnestly beseech your Lordships to consider and weigh, whether, without shaking Foundations, it be not much better, and more agreeable to Christian Prudence and Charity, to remove those particulars from the present Government and make such alterations therein, as may most probably give satisfaction to all persons seriously disturbed or afflicted in their Consciences; then by destroying the whole, to give just Offence and Scandall to very many pious and Religious Persons.

Under these Considerations, and for the Uniting and reconciling

reconciling all Differences between Us in the matter of *Religion*, and procuring a blessed Peace, we are willing,

That Freedom be left to all Persons, of what Opinions soever, in matters of Ceremony, and that all the penalties of the Laws and Customs, which injoyn those Ceremonies be suspended;

That the Bishop shall exercise no Act of Jurisdiction or Ordination, without the consent and counsell of the Presbyters, who shall be chosen by the Clergy of each Diocesse, out of the learnedest and gravest Ministers of that Diocesse.

That the Bishop keep his constant residence in his Diocesse, except when he shall be required by His Majesty to attend Him on any occasion, and that (if he be not hindred by the infirmities of old Age, or sickness) he Preach every Sunday in some Church within his Diocesse.

That the Ordination of Ministers shall be always in a publique and solemn manner, and very strict Rules observed concerning the sufficiency, and other Qualifications of those men, who shall be received into Holy Orders; and the Bishop shall not receive any into Holy Orders, without the approbation and consent of the Presbyters, or the Major part of them.

That competent maintenance and provision be established by Act of Parliament to such Vicarages as belong to Bishops, Deans, and Chapters, out of the Impropriations, and according to the value of those Impropriations, of the severall Parishes.

That for the time to come, no man shall be capable of two Parsonages or Vicarages, with Cure of Souls.

That towards the setling of the publique Peace, one hundred Thousand pounds shall be raised by Act of Parliament out of the Estates of Bishops, Deans, and Chapters, in such manner as shall be thought fit by the King and two Houses of Parliament, without the Alienation of any of the said Lands.

That

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That the Jurisdiction in Causes Testamentary, Decisall, Matrimoniall, be setled in such manner, as shall seeme most convenient by the King, and two Houses of Parliament.

And likewise that one or more Acts of Parliament be passed for regulating of Visitations, and against immoderate Fees in Ecclesiasticall Courts, and the abuses by frivolous Excommunications, and all other abuses in the Exercise of Ecclesiasticall Jurisdiction, in such manner as shall be agreed upon by His Majesty and both Houses of Parliament.

And if your Lordships shall insist upon any other thing which your Lordships shall think necessary for Reformation, we shall very wilingly apply our selves to the consideration thereof.

13. *February.*

LVII. For the confirmation of the Ordinance concerning the calling and sitting of the Assembly of Divines, & the taking the Covenant, we conceive neither of them need be insisted on, if the alterations of Church-Government be agreed upon between us: And if it be not, it will not be reasonable that We consent to those Ordinances. And for the Covenant, We cannot advise His Majesty to Swear and Signe the same, nor consent that an Act of Parliament should passe for enjoyning the taking thereof by His Majesties Subjects.

13. *February.*

LVIII. WE doe not yet conceive, that the Directory for publique Worship, delivered to us by your Lordships, ought to be enacted, Or that it is so likely to procure and preserve the Peace of this Kingdom, as the Liturgy or Common Prayer-Book already established by Law, against which we have not yet received from your Lord-

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ſhips any objections; which Liturgy (as the ſame was compiled by many Learned and Reverend Divines, of whom ſome dyed Martyrs for the Proteſtant Religion) we conceive to be an Excellent Form for the Worſhip of God, and hath been generally ſo held throughout this Kingdom, till within theſe two, or three yeers at the moſt; And therefore ſince there are no inconveniences pretended to ariſe from the Book of Common-Prayer, to which we conceive the Directory is not more liable, and ſince there is nothing commendable in the Directory, which is not already in the Book of Common-Prayer, we conceive it much better and more conducing to the Peace of this Kingdom, ſtill to obſerve the ſaid Form, with ſuch Diſpenſations as we have expreſſed in our firſt Paper now preſented to your Lordſhips; and if there ſhall be any Alterations propoſed by your Lordſhips, of ſuch particulars in the Book of Common-Prayer, as good men are ſcrupled at, we ſhall willingly endeavour to give your Lordſhips ſatisfaction in thoſe particulars, But as yet can make no further, or other Anſwer, then we have already done; But ſhall be ready to receive ſuch Objections as your Lordſhips ſhall think fit to make againſt the Book of Common Prayer, and your Reaſons for introducing the Directory. And for the Propoſition concerning Church-Government, annexed to your firſt Paper; We have no Information how that Government ſhall be conſtituted in particular, or what Juriſdiction ſhall be eſtabliſhed, or by whom it ſhall be granted, or upon whom it ſhall depend. And therein alſo we deſire further information from your Lordſhips.

13. *February.*

LIX. WE deſire to ſee the Bills for the obſervation of the Lords day, for ſuppreſſing of Innovation in Churches and Chappels, and for the better advancement of

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of the Preaching of Gods Holy Word, which are mentioned in your Lordships * Paper of the 11. of *Feb.* we being very ready to consent to the Subject Matter of those Bills. We have expressed in our Paper delivered to your Lordships, what we conceive fit to be done in the businesse of Pluralities, which will prevent any inconveniences that way: And when your Lordships shall give us your Demands concerning Papists, and when we shall see the Acts for the regulating & reforming of both Universities, of the Colledges of *Westminster*, *Winchester*, & *Eton*, & for the Education & Marriage of His Majesties Children, & the Children of His Heirs and Successors, in the true Protestant Religion, We shall give your Lordships such Answers as shall be fit, being very willing to concurre with your Lordships in any good means, for the suppressing of Popery, and advancement of the Protestant Religion. And we are well assured that His Majesty hath taken a pious care for the Education of all His Children in the true Protestant Religion; & having already married one of his Children to the satisfaction (we conceive) of all his good Subjects, we are confident in due time, His Majesty will so dispose of the rest in Marriage, as shall be most for the advancement of Religion, and the good and welfare of all His Dominions.

* *No.* 52.

Their Answer to the first.

13. *February.*

LX. WHereas we expected your Lordships Resolution, for His Majesties assent unto the Bill for the utter abolishing of Arch-bishops, Bishops, &c. We find, by your Paper given in this Evening, that your Lordships are not yet satisfied that the Bill should passe, and you are pleased to expresse severall Reasons and Objections against it, which were at large answered and cleared at the publique debate. But what was then said by us, is now

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by your Lordships wholly omitted; nor may we in writing represent it again unto your Lordships, it not being agreeable to the usage of Parliaments, to deliver reasons for, or against a Bill though we were willing, by conference in the Treaty, to satisfie all doubts, and remove all scruples which remained with you. And so farre were we from consenting that Episcopacy hath continued from the Apostles times, by continuall Succession, that the contrary was made evident unto your Lordships, and the unlawfulnesse of it fully proved. And as for that which your Lordships have propounded, for uniting and reconciling all differences in the matter of Religion, it is a new Proposition, which wholly differs from ours, is no way satisfactory to our desires, nor consisting with that Reformation, to which both Kingdoms are obliged by their solemn Covenant; therefore we can give no other answer to it, but must insist, to desire your Lordships, that the Bill may be past, and our other demands concerning Religion granted.

The King's Commissioners Reply thereunto. 13. *Feb.*

LXI. WE conceive that our Answer to your Lordships concerning the Bill for the utter abolishing of Arch-Bishops, Bishops, &c. was so reasonable, that it clearly appears thereby, that the passing that individuall Bill, is not agreeable to Conscience and Justice, and that it would be very prejudiciall to the Civill State, and to the Peace of the Kingdom; neither have the reasons and objections given by us against it, first in debate, and since in writing, been answered in debate by your Lordships. And therefore we know no reason why your Lordships may not give an answer to those objections in writing. For as it is not agreeable to the usage of Parliaments, for the two Houses to give His Majesty reasons why

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why he ſhould paſſe any Bill preſented by them; ſo it is no more agreeable to the ſame uſage, for His Majeſty to give reaſons why he doth not paſſe Bills ſo preſented. But we deſire your Lordſhips to conſider, that we are now in a Treaty, and we conceive the proper buſineſſe thereof, to be, for your Lordſhips to give us Reaſons, why His Majeſty ſhould conſent to the Propoſitions made by you, or for us to give Reaſons to your Lordſhips, why we cannot conſent to thoſe Propoſitions; otherwiſe it would be onely a Demand on your Lordſhips part, and no Argument of Treaty between us. And we muſt profeſſe to your Lordſhips, that (as we conceived in our former paper) the Succeſſion of Epiſcopacy, by ſucceſſion from the Apoſtles time was conſented to on all parts, ſo we cannot remember, that the contrary thereof, was ſo much as alleadged, much leſſe that the unlawfulnes thereof was proved, the Queſtion of the lawfulneſſe thereof having never yet come in debate. And we ſhall be very ready to receive any aſſertion from your Lordſhips to that purpoſe, not doubting but we ſhall give your Lordſhips full ſatisfaction in that point. And we conceive the Alterations propoſed by us to your Lordſhips, to be a very proper Anſwer to your Lordſhips Propoſitions, and moſt agreeable to the end, for which thoſe Propoſitions ſeem to be made. And that ſince it appears, that the utter aboliſhing of Epiſcopacy in the manner propoſed is viſibly inconvenient, and may be miſchievous, the Regulating of Epiſcopacy, being moſt conſonant to the Primitive Inſtitution, will produce all theſe good effects towards Peace and Unity; which Regulated Epiſcopacy, is the ſumme of our former paper, we deſire your Lordſhips to conſent to the ſame; And we again offer to your Lordſhips, that if you ſhall inſiſt upon any other things neceſſary for Reformation, we will apply our ſelves to the conſideration thereof.

Their Answer to the second.
13. *Feb.*

LXII. WE conceive your Lordships second Paper, this day delivered to us, is a deniall of our demands, that the Ordinance for the calling and sitting of the Assembly of Divines, be confirmed by Act of Parliament; And that His Majesty take the Solemne League and Covenant, and the Covenant be enjoyned to be taken, according to the second Proposition. Wherein if we misconceive your Lordships intention, we desire you would explain the meanings, and accordingly shall make our reports to the Parliaments of both Kingdoms.

The King's Commissioners Repley.
13. *Feb.*

LXIII. CConcerning the Ordinances for the Calling and Sitting of the Assembly of Divines, and the taking the Covenant, we can give no further Answer then we have done in our second Paper, delivered to your Lordships this day.

Their Answer to the third.
13. *Feb.*

LXIV. WE do conceive your Lordships third paper is a Denyall of our Demands, concerning the *Directory* for publique worship, and the Proposition for Church-Government, against which your Lordships have made no objection, and your Queres are already satisfied by Conference. And we shall accordingly make our reports to the Parliaments of both Kingdoms.

The King's Commissioners Reply.
13 *Feb.*

LXV. OUr expressions in our Answer to your Lordships demands, concerning the Directory for publique worship

worſhip import onely what we, as yet, conceive concerning that matter, there having hitherto been no debate touching the ſame, or concerning the Common-Prayer-Book, now eſtabliſhed by Law, and thereby intended to be abolliſhed. And therefore we did in that Paper & do ſtil deſire to receive your Lordſhips* objections againſt the Book of Common-Prayer, and your reaſons for introducing the Directory. Neither can our Anſwer to the Propoſitions for Church-Government, annexed to your firſt Paper, be otherwiſe taken, then as our deſire to receive information how that Government ſhould be conſtituted in particular, and what Juriſdiction ſhould be eſtabliſhed, by whom granted, & upon whom it ſhould depend; which *Quere's* were not ſatisfied by any conference, your Lordſhips (as we conceive) having declared your ſelves, that the particular form or modell of that Government, mentioned in thoſe Propoſitions onely in generall, were not then particularly agreed on; And we have ſince deſired and expect to receive it, and therefore your Lordſhips cannot conceive, we have denyed that which we have not yet ſeene, nor been informed of.

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* *None were made.*

Their Anſwer to the fourth.

13. *February.*

LXVI. TO your Lordſhips Fourth Paper, we Anſwer, The Bill for ſuppreſſing of Innovations in Churches and Chappels, in and about the worſhip of God &c. And for the better advancement of the Preaching of Gods holy Word in all parts of this Kingdom, and againſt the enjoying of *Pluralities* of Benefices by Spirituall Perſons, and *Non-reſidencie*, were heretofore preſented to His Majeſty, and remain with him; And we herewith deliver to your Lordſhips, the Ordinance for the due obſervation of the Lords Day, and we inſiſt on our former demands concerning them. And when your Lordſhips

ſhips have given us your full Anſwers to our deſires already with you concerning Religion, we then ſhall deliver unto your Lordſhips our demands concerning Papiſts, the regulating the Univerſities, the Education and Marriage of His Majeſties Children in the true Proteſtant Religion, contained in our Paper of the 11. of this inſtant *February*.

The Kings Commiſſioners Reply.
13. *Feb.*

LXVII. WE have not the Bills here, which we deſired of your Lordſhips, in our fourth Paper, to ſee, and which you now ſay were heretofore preſented to His Majeſty. But we ſhall take ſpeedy care to have thoſe Bills, if they remain with His Majeſty; and in the mean time deſire your Lordſhips to give us Copies of them, and we ſhall give your Lordſhips a ſpeedy anſwer, as we ſhall to the Ordinance for the due obſervation of the Lords Day which we received from your Lordſhips this night, and had never before ſeen; & we ſhall be ready to receive your Lordſhips * demands concerning *Papiſts*, the regulating the *Vniverſities*, the Education and Marriage of His Majeſties Children, and ſhall return our anſwers accordingly.

* *None at all were delivered in.*

This laſt Paper concluded the ſix dayes, appointed for the Treaty upon *Religion*, according to the Order preſcribed for diſpoſing the firſt 18. dayes of the 20. for the Treaty. In the end of which 18. dayes, after ſome * papers mutually delivered concerning the manner how the two laſt dayes ſhould be diſpoſed, this Subject of *Religion*, with the two others, were again reſumed, and their Papers following were then delivered in concerning *Religion*.

* *See theſe Papers after* n°. 170 192. & 193.

Their

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Their Paper. 21. *February.*

LXVIII. * *The Paper intended, is the King's Commissioners Reply, to their first Answer, 13. Feb. No. 61.*

WHeras your Lordships in your * last Paper of *Feb.* 13, were pleased to say, That (as you conceived) the continuall succession of *Episcopacy* from the Apostles times, was consented to on all parts, and that you cannot remember that the contrary thereof was so much as alleadged, much lesse that the unlawfulnesse thereof was proved, the Question of the unlawfulnesse thereof having never yet come into debate; We desire your Lordships to remember, That when a Divine in Commission with you undertook to prove the *Ius Divinum* of *Episcopacy*, his Arguments were not onely Answered by another Divine in Commission with us, but that 4. or 5. severall Arguments were then brought by him out of the Scriptures to prove the unlawfulnesse of it; and afterwards in an extrajudiciall debate between severall Divines on both sides, by consent of the Commissioners, those Arguments were further made good by the Divines on our side, and the pretended continuall succession of Episcopall Government from the Apostles times, was (as we conceive) at the same time sufficiently disproved; So that we cannot but wonder that your Lordships should forget that the unlawfulnesse of it was debated. And whereas in your Lordships * last Paper of *Feb.* 20, you were pleased to say, That if it might be made appear, that the Government by *Bishops* is unlawfull, or that the Government which we desire to introduce in the room thereof, is the onely Government that is agreeable to the word of God, your Lordships would immediatly give us full satisfaction in our Proposition. We desire your Lordships to remember, besides what hath been proved in debate concerning the unlawfulnesse of *Episcopall Government*, and notwithstanding the generall experience, that the government by *Arch-Bishops*, *Bishops*, &c. hath been a hinderance to Reformation, and

* *See the Paper, 20. Feb. after No. 194. being delivered upon another occasion.*

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growth of *Religion*, and prejudiciall to the Civill State; and the manifeſt evidence of the thing it ſelf, that ſo much of the Government deſired by us, as hath been preſented to your Lordſhips, is agreeable to the Word of God, how we have ſeverall times offered our ſelves to give your Lordſhips ſatisfaction by Conference, if any objections remained with your Lordſhips to the contrary, which we are ſtill ready to do, and deſire your Lordſhips full Anſwer to that, and the reſt of our Propoſitions concerning *Religion*.

The King's Commiſſioners Anſwer. 21. *Feb.*

LXIX. VVE did conceive that the continuall Succeſſion of *Epiſcopacy* from the Apoſtles times, had been ſo cleerly manifeſted to your Lordſhips, by our Conference on the 12. of this inſtant that your Lordſhips had been fully ſatisfied therein; the which ſince you are not, we would gladly be informed, when, and where any Nationall Church, ſince the Apoſtles times, was without that Government; and ſince your Lordſhips are of opinion that the unlawfulneſſe of *Epiſcopacy* was made good by thoſe Arguments, which were given by the Divines on your part, which in truth we did not underſtand to be made to that purpoſe when they were firſt urged, and being now again remembred, in our Judgments do not in any degree prove the ſame, we being very ready to conſent to the aboliſhing thereof if the ſame can be proved; and your Lordſhips aſſuming that you have proved it, and ſo that you can again prove it, we deſire your Lordſhips by Conference, or in Writing, to ſatisfie us in that point; which we hope being in your power (as you ſay) to do, and being a ſure way to put an end to this debate by our yeelding, your Lorſhips will not refuſe to do it: But if neither that, nor the other Propoſition, that the Government intended to be introduced by your Lordſhips, is the onely Government, that is agreeable to the

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word of God, can be evinced; We hope your Lordships will rest satisfied with the reasons we have given your Lordships in writing why we cannot consent to your Propositions concerning *Religion*, as they are made and insisted on by your Lordships, and that wee have offered your Lordships a remedy against all the inconveniencies that have been ever pretended in the Government as is now established by Law, and which ought not upon lesse reasons then we have mentioned to be taken away.

Their Reply, 21. *Feb.*

WE do not conceive that the continuall Succession of *Episcopacy* from the Apostles time, hath been at all manifested to us in Conference by your Lordships, and for what your Lordships mention concerning a Nationall Church, it is a new Question which hath not, as yet, been any part of the Subject of our Debate. But we desire to bring that to a conclusion which is in issue between us, and not doubting but that your Lordships are fully satisfied, That *Episcopacy* is not *Iure Divino*, we are ready by Conference to shew the unlawfulnesse of that *Episcopacy* which we desire to take away by our Bill, and that the Government which we propose is agreeable to the Word of God. LXX.

In pursuance of this Paper, the most part of the next day, being the last of the Treaty, was spent in dispute between the Divines; and after, their Commissioners delivered in this Paper.

22. *February.*

HAving the last night given in a Paper unto your Lordships, wherein we signified that we doubted not, but that you were fully satisfied, that *Episcopacy* was not *Iure Divino*, we are the more confirmed in it, because your Lordships have since that time given us nothing in to the contrary, and we hope we have by cleer Arguments LXXI.

from Scripture and reason this day likewise satisfied you, That the Government by *Arch-Bishops, Bishops, &c.* which we desire to be taken away by this Bill, is unlawfull, and that the Government, which we desire to be established, is agreeable to the word of God; and therefore we desire your Lordships to agree to the passing of this Bill, and to give us your full and cleer Answer to this, and the rest of the Propositions concerning Religion.

The King's Commissioners Answer.
22. February.

LXXII. ACcording to your Lordships Paper of the last night, we attended your debate this day, concerning the unlawfulnesse of *Episcopacy*; but did neither then, nor do now acknowledge our Selves convinced by any Arguments offered by you, that *Episcopacy* is not *Iure Divino*, the same having been the opinion of very many Learned men in all Ages, (which we do not censure or determine) but not insisted on by us, as the ground of any Answer we have delivered to your Lordships; and we are so farre from being satisfied with the Arguments from Scripture and Reason, this day urged, to prove, That the Government by *Arch-Bishops, Bishops*, &c. which you desire to be taken away by this Bill, is unlawfull, that the weightiest Arguments which were urged (in our Judgements) concluded at most against those inconveniencies which are remedied by the Alteration offered by us to your Lordships, in our * Paper of the 13. of this Moneth; And it seems strange to us, that your Lordships should think that Government (without which no *National Church* hath been since the Apostles times, till within these few yeers) to be unlawfull: and for the Government desired by you to be established, your Lordships have not offered any such particular Form of Government to us that may inable us to judge thereof; and we cannot but observe that the Argu-

* *See before, nº. 56.*

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ments produced to that purpose, were onely to prove the same not unlawfull, without offering to prove it absolute necessary, and therefore we conceive our Answer, formerly given to your Lordships concerning that Bill, and your Propositions concerning *Religion*, is a just and reasonable Answer.

After the first three dayes of the Treaty, spent upon the businesse of Religion, according to the Order formerly prescribed, the Propositions concerning the Militia *were next Treated upon the three dayes following, beginning the fourth of* February, *and the same was after resumed the* 14. *of* February, *for other three dayes.*

Their Propositions touching the Militia.

4. *Feb.*

LXXIII. WE desire that by Act of Parliament, the Subjects of the Kingdom of *England*, may be appointed to be Armed, Trained, and Disciplined, in such manner as both Houses shall think fit.

The like for the Kingdom of *Scotland*, in such manner as the Estates of Parliament there shall think fit.

We desire that an Act of Parliament be passed for the setling of the Admiralty and Forces at Sea, and for the raising of such Moneys for maintenance of the said Forces, and of the Navy, as both Houses of Parliament shall think fit.

The like for the Kingdom of *Scotland*, in such man-

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ner as the Estates of Parliament there shall think fit.

An Act for the setling of all Forces by Sea and Land, in Commissioners to be nominated by both Houses of Parliament, of Persons of known integrity, and such as both Kingdoms may confide in, for their faithfulnesse to the Religion and Peace of the Kingdom, of the House of Peers, and of the House of Commons, who shall be removed or altered from time to time, as both Houses shall think fit. And when any shall dye, others to be nominated in their places by the said Houses, which Commissioners shall have power,

First, to suppresse any forces raised without authority of both Houses of Parliament, or in the intervals of Parliaments, without consent of the said Commissioners, to the disturbance of the publique Peace of these Kingdoms, and to suppresse any Forraign Forces that shall invade this Kingdom; and that it shall be high Treason in any, who shall leavy any forces without such authoritie or consent, to the disturbance of the publique Peace of the Kingdom, any Commission under the Great Seal, or other Warrant to the contrary notwithstanding; and they to be incapable of any pardon from His Majesty, and their estates to be disposed of as both Houses of Parliament shall think fit.

2. To preserve the Peace now to be setled, and to prevent all disturbances of the publique Peace, that may arise by occasion of the late troubles.

So for the Kingdom of *Scotland*.

3. To have power to send part of themselves, so as they exceed not a third part, or be not under the number of, to reside in the Kingdom of *Scotland*, to assist and Vote as single Persons, with the Commissioners of *Scotland*, in those matters wherein the Kingdom of *Scotland* is only concerned.

So for the Kingdom of *Scotland*.

4 That

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4. That the Commissioners of both Kingdoms may meet as a joynt Committee, as they shall see cause, or send part of themselves, as aforesaid, to do as followeth;

1. To preserve the Peace betwixt the Kingdoms, and the King and every one of them.

2. To prevent the violation of the Articles of Peace, as aforesaid, or any troubles arising in the Kingdoms, by breach of the said Articles, and to hear and determine all differences that may occasion the same, according to the Treaty; and to do further, according as they shall respectively receive Instructions from both Houses of Parliament in *England*, or the Estates of Parliament in *Scotland*; And in the intervals of Parliaments, from the Commissioners for the preservation of the publique Peace.

3. To raise and joyn the Forces of both Kingdoms, to resist all forraign Invasion, and to suppresse any Forces raised within any of the Kingdoms, to the disturbance of the publique Peace of the Kingdoms, by any authority under the Great Seal, or other Warrant whatsoever without consent of both Houses of Parliament in *England*, and the Estates of the Parliament in *Scotland*, or the said Commissioners of that Kingdom whereof they are Subjects. And that in those cases of joynt Concernment to both Kingdoms, the Commissioners to be directed to be there all or such part as aforesaid, to Act and direct as joynt Commissioners of both Kingdoms.

We desire that the *Militia* of the City of *London*, may be in the Ordering and Government of the Lord Major, Aldermen, and Commons in Common-Councell assembled, or such as they shall from time to time appoint, whereof the Lord Major and Sheriffs for the time being to be three. And that the *Militia* of the Parishes without *London*, and the Liberties within the weekly Bils of Mortality, may be under the command of the Lord Major,

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Major, Aldermen and Commons in Common-Councell of the said City, to be ordered in such manner as shall be agreed on, and appointed by both Houses of Parliament.

We desire that the Tower of *London*, may be in the Government of the City of *London*, and the chiefe Officer and Governour thereof from time to time, be nominated, and removable by the Common-Councell.

And that the Citizens, or Forces of *London*, shall not be drawn out of the City into any other parts of the Kingdom, without their own consent. And that the drawing of their Forces into other parts of the Kingdom in these distracted times, may not be drawn into example for the future.

After these Propositions made, the King's Commissioners, for their Information concerning these Propositions, gave in several Papers.

The Kings Commissioners Paper,
4. February.

LXXIV. WE conceive the Propositions delivered by your Lordships concerning the *Militia*, import very great alterations in the main Foundation of the Frame of Government of this Kingdom, taking by expresse words, or by necessary consequence, the whole Military and Civil power out of the Crown, without any limitation in time, or repartion proposed. Therefore we desire to know for what term you intend the *Militia* shall be setled in such manner as may be a reasonable & full security, which we are ready and desirous to give, to preserve the Peace now to be setled, and to prevent all disturbances of the publique Peace that may arise by occasion of the late Troubles. For the better doing whereof, we are ready by conference to satisfie your Lordships in any particulars.

Their

Their Answer, 4. Feb.

OVr Paper given in to your Lordships concerning the *Militia*, doth not containe the Alterations mentioned in your Lordships Answer, but desires that which by the wisdom of the Parliaments of both Kingdoms is judged necessary at this time for the securitie of his Majesties Kingdoms, and preservation of the Peace now to be setled, and untill your Lordships shall declare an assent unto the matter therein expressed, we conceive it will not be seasonable to give any answer concerning the time; And we are ready to conferre with your Lordships upon what shall be offered by you to our Paper, concerning the *Militia* formerly delivered. LXXV.

The King's Commissioners Reply, 4. Feb.

WE are of opinion, that the Propositions in your Lordships Paper, contain the Alterations mentioned in the Paper we lately delivered to your Lordships, and take by expresse words, or necessary consequence, the whole Military and Civill Power out of the Crowne, which alterations we are ready to make appear in debate. And the Alterations being so great, we have reason to desire to know the limitation of time, the consideration of which makes the Propositions more or lesse reasonable. LXXVI.

The King's Commissioners second Paper, 4. February.

WE desire to know who the Commissioners shall be, in whose hands the Forces by Sea and Land shall be entrusted; And whether you intend His Majesty shall be obliged to consent to such Persons; or whether He may except against them, and name others in their places of known affection to Religion and Peace. LXXVII.

Their Answer. 4. *February.*

LXXVIII. THe Commissioners in whose hands the Forces by Sea and Land shall be entrusted, are to be nominated for *England* by both the Houses of the Parliament of *England*; & for *Scotland*, by the Estates of the Parliament of *Scotland*; as is expressed in our Paper formerly delivered to your Lordships concerning the *Militia*.

The King's Commissioners Reply,
4. *February.*

LXXIX. WE desire a full Answer to our Paper concerning the Persons to be entrusted with the *Militia*, it being very necessary to know the persons, before consent can be given to the matter; and whether His Majesty may except against any such persons, and nominate others in their rooms, against whom there can be no just exception.

The Kings Commissioners third Paper,
4. *February.*

LXXX. WE desire to know, whether your Lordships intended, that the *Militia* of the City of *London*, shall be independent, and not subordinate to those Commissioners in whose hands the Forces by Sea and Land shall be entrusted.

Their Answer, 4. *February.*

LXXXI. IT appears by the Propositions concerning the *Militia* of the City of *London*, that the same is to be ordered in such manner as shall be agreed on, and appointed by both Houses of Parliament.

The King's Commissioners Reply,
4. *February.*

LXXXII. WE desire an Answer to our Paper concerning the *Militia* of the City of *London*, whether the same shall

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shall be subordinate to the Commissioners in whose hands the Forces by Sea and Land, are to be intrusted; your Lordships Answer, That the same is to be ordered in such manner as shall be agreed on, and appointed by both Houses of Parliament (which yet doth not appear by the Propositions) being no Answer to the question.

The King's Commissioners Paper, 5. Feb.

HAving with great diligence perused your Lordships Paper, concerning the *Militia*, and being very desirous to come to as speedy a conclusion in that Argument as we can; we will be ready, to morrow, to give your Lordships our full Answer, which we are confident will give your Lordships satisfaction concerning the matter of the *Militia* of this Kingdom. LXXX. III.

The King's Commissioners Paper, in Answer to the Propositions concerning the Militia, *6. February.*

TO suppresse any Forces that may be raised to the disturbance of the publique Peace of the Kingdom, or that shall invade this Kingdom, and to preserve the Peace now to be setled, and to prevent all disturbances of the publique Peace, that may arise by occasion of the late Troubles; And that His Majesty and all His People may be secured from the Jealousies & apprehensions they may have of danger; We do consent, that all the Forces of the Kingdom, both by Sea and Land, shall be put into the hands of Persons of known faithfulnesse to the Religion and Peace of the Kingdom, in such manner, and for such time, as is hereafter mentioned. LXXX IV.

That the number of those persons be Twenty; or if that be not accepted by your Lordships, such greater or lesser number, as shall be agreed upon between us; And that

His Majesty may name half the persons to be so entrusted, and the two Houses the other half.

That such Forts and Towns, in which Garrisons have been before these Troubles, & such other as shall be agreed upon between us to be necessary for a time to be keept as Garrisons, shall be entrusted likewise to persons to be chosen by the Commissioners, or the major part of them, to be subordinate to the said Commissioners, and to receive orders from them, and no others; And all other places which have been Fortified since the beginning of these Troubles, shall be left as they were before, and the Fortifications and the Works slighted and demolished; And all Forces with all possible expedition to be disbanded, that the Kingdom may be eased of all intolerable burthen.

That an Act of Parliament shall be passed for the raising of such Monyes for the maintenance of the Navy and Sea-forces, as His Majesty and both Houses shall think fit.

That when any of the said Commissioners shall dye, who was nominated by His Majesty, His Majesty shall name another; and when any shall dye of those named by the two Houses, another shall be chosen by them, and in the intervals of Parliament by the major part of the said Commissioners named by the two Houses, and neither the one or the other to be removed but by the joynt consent of His Majesty and both Houses, except it shall be desired by your Lordships, that His Majesty & the two Houses respectively may remove the respective persons named by them, as often as they shall see occasion, to which (if it shall be insisted on) we shall consent.

These Commissioners, or the major part of them, or such other number of them as shall be agreed upon, shall have power by Act of Parliament, to suppresse any Forces raised, sitting a Parliament, without the joynt

consent

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consent of His Majesty and both Houses of Parliament; or in the intervals of Parliament without consent of the said Commissioners, or the major part of them, to the disturbance of the publique Peace of the Kingdom, and to suppresse any Forces that shall invade the Kingdom. And it shall be High Treason in any who shall leavy any Forces without such authority or consent, to the disturbance of the publique Peace.

That they shall have like power to preserve the Peace now to be setled, and to prevent all disturbances of the publique Peace that may arise by occasion of the late Troubles; And if any Forces shall be brought into the Kingdom, without the joynt consent of the King and the two Houses of Parliament, it shall be lawfull for any four of the said Commissioners to leavy Forces for the suppressing, resisting, and destroying of the said Forces so brought in.

We are content that this power to such Persons shall continue for the space of three yeers, which we doubt not, but by the blessing of God, will be abundantly sufficient to secure all persons from their Doubts and Fears, and in which time such a mutuall confidence may be begot betwixt His Majesty, and all His People, that the Peace will be firme and lasting.

That the Commissioners, before their entrance upon the said Trust shall take an Oath for the due execution of the said Commission, and that after the expiration of the said terme of three yeers, from the time of the giving the said Commission, they shall not presume to continue any execution of the said authority, and it shall be High Treason in any of them to execute the said authority after the expiration of the said three yeers. And all the Commanders in chief of the Garrisons, Forts, and His Majesties Ships, shall likewise take an Oath for the due execution of their Trust.

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That the Commiſſioners ſhall have power to prevent the violation of the Articles of Peace, or any troubles ariſing in the Kingdom by breach of the ſaid Articles, and to hear and determine all differences that may occaſion the ſame.

We ſhall be willing that any juſt Priviledges and Immunities be granted by His Majeſty to the City of *London*, as being the chief City of this Kingdom, and the place His Majeſty deſires to Honour with his moſt uſuall and moſt conſtant Reſidence; But we conceive it too envious a thing, and may prove very prejudiciall to the happineſſe of that great City, to diſtinguiſh it in a matter of ſo high importance as the buſineſſe of the *Militia*, from the Authority that the whole Kingdome is to ſubmit to.

If your Lordſhips ſhall not conſent to the election of perſons, in that manner as we have propoſed, half by His Majeſty, and the other half by the two Houſes, we do then propoſe to your Lordſhips, that the ſaid perſons who ſhall have the ſaid powers in manner and form above mentioned, may be named by mutuall conſent upon debate between us; in which conſideration may be taken of the fitneſſe or unfitneſſe of thoſe who ſhall be named; And in caſe that any of them who ſhall be thus agreed upon, ſhall dye within the ſaid term of three yeers, the ſurvivors, or the Major part of them, ſhall nominate and chuſe another in his place who ſhall be deceaſed. This way we ſhould moſt have deſired, but in regard the conſideration of perſons may take up a long time in debate, which neither the time allotted for the Treaty, nor the preſent diſtractions will permit, we do propoſe the former as the moſt expedite and certain way, but leave the election to your Lordſhips.

And whatſoever ſhall be found deficient in the ſetling this according to the preſent agreement, or ſhall be thought fit

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to be added to it upon any inconveniencies or defects that shall be hereafter discovered, the same shall be mended or supplyed in such manner as shall be thought reasonable by the joynt consent of His Majesty, and the two Houses of Parliament.

After which the King's Commissioners delivered in this Paper, 6. February.

WE shall be ready against the time that the *Militia* is again in order to be Treated upon, to give your Lordships an Answer to your demands, concerning the *Militia* of the Kingdom of *Scotland*; the which for the present we have not had time to do, having wholly spent these three dayes in the perfecting the Paper delivered to your Lordships this day, and the debates in preparation thereof. LXXXV.

And at the same time their Commissioners delivered in this Paper, 6. Feb.

YOur Lordships Paper which we have received so late at the end of the third day, appointed to Treat upon the *Militia*, on which we expected a satisfactory Answer to our demands concerning it, is very farre differing from what we have proposed and unsatisfactory to our just and necessary desires, for securing the Peace of the Kingdoms, and wherein we cannot but observe, that the Kingdom of *Scotland* is wholly omitted. We do therefore insist upon our Paper formerly delivered concerning the *Militia*, and desire your Lordships full and cleer Answer, being ready by conference to remove all objections, which may be made to the contrary. LXXXVI.

The King's Commissioners Answer thereupon. 6 February.

WE conceive the Paper delivered by us to your Lordships, may justly satisfie your Lordships for the securing LXXXVII.

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curing the Peace of this Kingdom against all Forces that may any wayes endanger it at home, or from abroad, and for securing the performance of all things that shall be agreed in this Treaty; and we are ready by Conference to make the reasonableneſſe thereof appear, and to receive any reasons from your Lordships to the contrary. And as touching *Scotland*, we hope your Lordships will be satisfied by the last Paper we delivered to you.

Their Paper. 6. Feb.

LXXXVIII. IN our last Paper we insisted upon our former demands for the *Militia*, and offered by Conference to satisfie your Lordships of the reasonableneſſe of them, if any doubts remained with you to the contrary, which we are still ready to do, they being the proper subject of this part of the Treaty. And whereas your Lordships have in your Paper, referred what concerns the Kingdom of *Scotland* unto another time, and seems to intend it a severall Answer, both Kingdoms being united in the same cause, and under the same danger, and mutually providing for the joynt safety, and security of both, and each other, our Propositions are joyndy made by both, and are inconsistent with a divided Answer.

The King's Commissioners Answer. 6. February.

LXXXIX. WHereas your Lordships have offered in your last Paper to satisfie us, by Conference, of the reasonableneſſe of your demands, if any doubts remain with us to the contrary: we desire to receive satisfaction by Conference, that it is reasonable for us to grant the nomination of the persons by the two Houses onely, and that the time ought not to be limited.

Their

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Their Paper. 6. Feb.

XC.

AS we have given to your Lordſhips our Propoſitions, for the *Militia* of both Kingdoms in writing, ſo do we again deſire your Lordſhips full and cleer anſwer to them both, in writing, and we are ready to anſwer any doubts you ſhall make upon them in order as we delivered them, and as they do relate to both Kingdoms, but we cannot Treat upon your Lordſhips anſwer which divides them.

The three firſt dayes, allotted for the Treaty upon the *Militia*, being ſpent, and that ſubject reſumed upon *Friday* the 14, *Saturday* the 15, and *Monday* the 17, of *February*. In theſe dayes divers Papers were delivered, and ſome debates had touching the *nomination of the Perſons* who were to be entruſted with the *Militia*, whether they ſhould all be nominated by the two Houſes onely; and *touching the time*, how long they ſhould have it, and whether the ſame ſhould be unlimited, as it was in the Propoſitions, or be limited to a certain time; as likewiſe *concerning the Powers* of the Engliſh, and Scottiſh Commiſſioners for the *Militia*, which are ſo intermingled in the Propoſitions, that it was not well underſtood upon the Propoſitions, how farre the Commiſſioners of one Kingdom, and their power might extend unto, and have influence upon the other, and the one upon the Government of the other, and concerning ſome other paſſages having relation to the *Militia*; which would be intricate, if they ſhould be ſet down in the order of time as they were delivered; and becauſe ſometimes divers Papers were delivered together, therefore they are here placed according to their diſtinct matters. And firſt touching the nomination of Perſons, and limitation of the time,

The King's Commissioners delivered in this Paper.
14. *February.*

XCI. IF your Lordships are not satisfied, with the * Papers delivered to your Lordships by us on the 6. of *February*, concerning the *Militia*, as farre as the same concerns this Kingdom, we desire according to your Lordships offer in your * first & * second Paper delivered to us the sixth of *February*, that your Lordships will satisfie us of the reasonablenesse of your demands, and that the nominating of the Persons ought to be by the two Houses only, and that the time ought not to be limited.

* *See N°.* 84.

* *See N°.* 86. & 88.

Their Answer, 14. *Feb.*

XCII. BY your Lordships Paper received this day, we apprehend your desire to proceed in the Treaty, upon the Propositions for the *Militia*, as farre as the same concerns this Kingdom, without any mention of the Kingdom of *Scotland*. In answer whereunto, we referre your Lordships to a former Paper of the 6. of *February* instant, whereby we desired your full and cleer Answer to our Propositions for the *Militia* of both Kingdoms, in order as we have delivered them, and as they do relate to both Kingdoms, and that we could not Treat upon your Lordships Answer which divides them. We still insist on that Paper, and when your Lordships shall be pleased to give an Answer thereunto, we shall be ready to cleer any doubts which may remain with your Lordships.

The King's Commissioners Reply, 14. *Feb.*

XCIII. WE do desire to proceed in the Treaty, upon the Proposition for the *Militia*, as the same concerns both Kingdoms joyntly, as well as either of them severally, neither is the contrary expressed (as we conceive) in the Paper delivered by us to your Lordships this day; But

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we cannot reasonably Answer to them as they concern one or both Kingdoms, before we receive satisfaction from your Lordships of the reasonableness of your demands, which your Lordships were pleased to promise us by two of your Papers of the sixth of *February*, and which we again desire of your Lordships concerning the Persons and the time, conceiving it unreasonable, that all the Persons shall be nominated onely by the Houses, and that the time should be unlimited.

Their Answer. 15. *Feb.*

WE have formerly desired your Lordships Answer to the Propositions for the *Militia*, in order as we delivered them, and as they do relate to both Kingdoms, and not to give any Answer which shall divide them. Yet we observe in the matter of your Lordships * third Paper yesterday received, that you desire satisfaction in the Particulars there mentioned, as the same concern the Kingdom of *England*, onely in pursuance of a former Paper given in by your Lordships the 6. of *February*. We therefore again desire as formerly, that such answer as your Lordships shall think fit to make to our Propositions concerning the *Militia*, may be applied to both Kingdoms joyntly, and then we shall be ready by conference to cleer any Objections which your Lordships shall make against the reasonableness of our demands. XCIV.

* *See the Paper intended, No.* 105.

The King's-Commissioners Paper. 15. *Feb.*

WE desire that your Lordships will satisfie us of the reasonableness of your demands concerning the setling the *Militia* of both Kingdoms, and that the nominating of the Persons ought to be by the two Houses of Parliament, and the like for the Kingdom of *Scotland*, and that the time ought not to be limited. XCV.

Their Paper. 15. *Feb.*

XCVI. YOur Lordships demand in your *4th. paper being made concerning the *Militia* of both Kingdoms, we are ready upon conference, to give satisfaction to what your Lordships shall object against the nominating of the Commissioners by the two Houses of the Parliament of *England*, and the Estates of the Parliament of *Scotland* respectively, or against the time for which the *Militia* is demanded in the Propositions.

** The precedent Paper.*

After some time spent in conference, for limiting the time, wherein the debate was, touching the unreasonablenesse of the demand, for taking from the King the Power of the *Militia*, and setling it in Commissioners, to be nominated by the two Houses, not limited to any time, The Kings Commissioners gave in this Paper.

15. *February.*

XCVII. WE desire to know, whether your Lordships can, by your Instructions, consent to a limitation of time, in the setling the *Militia*, or whether you must insist, that the time be unlimited.

Their Answer. 17. *February.*

XCVIII. IN Answer to your * sixth Paper of the 15. of this instant, concerning the limitation of time, in the setling of the *Militia*, we do insist that the time be unlimited, according to our former demands.

** The next precedent Paper.*

The King's Commissioners Reply, 17. *Feb.*

XCIX. AFter so long debate between us, concerning the limitation of time, in the setling of the *Militia*, (in which we conceive your Lordships had been satisfied, that as it is no way necessary, for the security of the observation and performance of the present agreement, that the time should be unlimited, so in respect of other considerations, it may be very mischievous, that it shou'd be unlimited) we had great reason to desire to know, whether your

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your Lordships had any power by your Instructions, to consent to a limitation of time, and are sory that your Lordships will not give us an answer to that question, that thereupon we might have endeavoured to have given your Lordships other satisfaction, then by not knowing your power therein, we are enabled to doe.

Their Paper. 17. *February.*

C. WE conceive, that, after so long a debate between us, your Lordships would have been satisfied, that it was most fit concerning the setling the *Militia*, for the time to be unlimited as we have formerly desired, and which by our Instructions we are to insist upon.

They also delivered in this Paper.
17. *February.*

CI. WE desire a full and cleer answer to what wee have delivered to your Lordships concerning the *Militia*, and to know whether your Lordships be limited by any instructions, or directions what to grant or deny in the same, and that we may have a sight of such Instructions or Directions.

The Answer, 17. *February.*

CII. WE doe *herewith deliver to your Lordships, such a full and cleer answer to your Propositions concerning the *Militia*, as we hope will give your Lordships satisfaction, being such, as upon the Conference and information we have received from your Lordships, seems to us to be most reasonable.

**The Paper after No. 128. was delivered with this.*

It appeareth by our Commission, whereof your Lordships have a Copy, that it hath not any reference to any Instructions. It is true that as we have (according to our duty) from time to time acquainted His Majesty with our procedings, so in some particular cases we have desired to be assisted with His Majesties

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opinion, but what anſwers we have therein received from His Majeſty, we conceive it not proper for us to communicate to your Lordſhips, nor have we any warrant ſo to do.

Their Reply, 17. February.

CIII. WE again deſire of your Lordſhips, to know whether you be limited by any Inſtructions, or Directions, what to grant or deny unto us, concerning the *Militia*, and that we may have a ſight of ſuch Inſtructions or Directions, & which we conceive your Lordſhips in Juſtice & reaſon cannot deny, ſeeing by your Papers and debates you inſiſted, that it was juſt and reaſonable for us to let you know whether we had any power by our Inſtructions to conſent to a limitation of time, which we did accordingly. And your Lordſhips ſeventh Paper this day delivered gives no anſwer or ſatisfaction to our former demand herein.

The King's Commiſſioners Anſwer. 17. Feb.

CIV. WE conceive it was juſt and reaſonable, for us to demand of your Lordſhips, whether you had power by your Inſtructions to conſent to a limitation of time concerning the *Militia*, becauſe the time is left indefinite, and not expreſſed in the Propoſitions. And your Lordſhips Commiſſion, which gives you power to Treat, relating to Inſtructions they are thereby part of your power, and yet your Lordſhips to that our demand have given no other anſwer, then, That by your Inſtructions, you were to inſiſt, to have the time unlimited, but have not anſwered, whether you had power to conſent to a limitation of time. And we deſire your Lordſhips to remember that formerly upon our deſire to ſee your Inſtructions, that thereby we might ſee what power was granted to you by your * Paper of the laſt of *January*; your Lordſhips did anſwer, It was that

* See before N°. 16

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for which you had no warrant; and it appearing to your Lordships, that our Commission hath no reference to Instructions, we conceive that your Lordships cannot expect any other answer, then we have already given to your Lordships demand, touching any Instructions or directions to us, what to deny, or consent to grant in the *Militia*, assuring your Lordships, that we shall not deny, but willingly consent to grant whatsoever shall be therein requisite for a full security, for observing the Articles of the Treaty, or otherwise agreeable to Justice or reason.

Touching the Power which should be given to the Commissioners for the Militia,

The King's Commissioners Paper, 14. February.

CV. WE desire to know, what authority the Commissioners, nominated by the Estates of the Parliament of *Scotland*, are to have in the *Militia* of this Kingdom; and what influence, the Orders and advice, from the Estates of the Parliament there, shall have upon this Kingdom; and how farre the same is to be consented, or submitted to here.

Their Answer. 14. Feb.

CVI. YOur Lordships desire, expressed in your second Paper this day, may be fully satisfied by the Propositions concerning the *Militia*, where the authority of the Commissioners to be nominated, is cleerly expressed, both in cases of severall, and of joynt concernment of the Kingdoms; And if upon perusall thereof any doubts shall occurre to your Lordships, we are ready by conference to cleer the same.

The

The Kings Commissioners Paper,
15. February.

CVII. VVE do not conceive that the authority of the Commissioners of both Kingdoms, and in both Kingdoms, is cleerly expressed in your Lordships Propositions, and therefore we desire to be informed, whether your Lordships intend that the Commissioners of *Scotland* shall have any power in the setling of all Forces by Sea and Land in this Kingdom, and what authority they shall have.

Their Paper, 15. February.

CVIII. VVE do conceive, that the authority of the Commissioners of both Kingdoms, and in both Kingdoms is cleerly expressed in our Propositions: By which it doth appear how they are to Act as severall or as joynt Commissioners. And if your Lordships shall propound any objections against our Propositions concerning the *Militia* of both Kingdoms, we are ready upon conference to give your Lordships satisfaction.

The King's Commissioners Paper,
15. February.

CIX. VVE desire to know, whether in that part of the Proposition, wherein the Commissioners of both Kingdoms are appointed to meet as a joynt Committee, and to receive Instructions in the intervals of Parliament from the Commissioners for the preservation of the publique Peace, your Lordships mean the Commissioners to be nominated according to these Propositions or the * Commissioners intended by the Act of Pacification, or what other Commissioners; And what Jurisdiction you intend the said Commissioners of both Kingdoms shall have by the power given them, to hear and determine all differences that may occasion the breach of the Articles of the Peace, according to the Treaty, and by

* *See the Printed Act.*

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what Law they shall proceed to hear and determine the same.

Their Answer, 15. *February*.

WE intend that the Commissioners are to be nominated according to the Propositions, and are to proceed in such manner as is therein expressed; and if your Lordships shall make any objections hereupon, we are ready by Conference to give you satisfaction. CX.

Their further Answer. 15. *Feb*.

FOr further answer to your Lordships second Paper, we conceive, That the matter of the Jurisdiction to be exercised by the Commissioners is expressed in the Proposition, and for the manner of exercising that Jurisdiction, and by what Law they shall proceed to hear and determine the same, are to be setled by the two Houses of the Parliament of *England*, and the Estates of the Parliament of *Scotland* respectively. CXI.

The King's Commissioners Paper, 15. *February*.

WE desire to receive a perfect and full answer from your Lordships to our * first and * second Papers, delivered by us this morning to your Lordships, and whether your Lordships intend, that the Commissioners of *Scotland* shall have any power and authority in the setling of all Forces by Sea and Land, in this Kingdom, and what authority they shall have; and whether the advice or orders of the Estates of the Parliament of *Scotland*, shall have any influence upon the affairs of this Kingdom, or the Commissioners to be named according to these Propositions, otherwise then as the said advice or orders shall be approved, and confirmed by the two Houses of Parliament of *England*, and what Jurisdiction you intend the Commissioners shall have who are to determine all differences that may occasion CXII.

* *See No.* 107, & 109, & *No.* 105.

casion the breach of the Articles of Peace, and by what Law or rule they shall proceed, trye, and Judge, in the hearing and determining the same; And it is most necessary for us to desire satisfaction from your Lordships to these particulars in writing, since the answer we shall give to your Lordships upon so much of your Propositions, will very much depend upon our cleer understanding your Lordships in these particulars, it being agreed between us, that nothing shall be binding, or taken as agreed upon, but what shall be in writing on either part.

Their Answer. 17. *Feb.*

CXIII. WE conceive there is a full answer already given by us in * severall Papers of the 14. of this instant, to the former parts of your Paper, delivered in on the 15. day, and to the latter part, what Jurisdiction the Commissioners shall have, who may determine all differences, that shall be by breach of the Articles of Peace, & by what Law and rule they shall proceed to hear and determine, the same is cleerly set down in our * further answer of the 15. of this instant, to your second Paper delivered in to us the day before.

* *See the Papers intended,* *Nº.* 92, & 106.

* *Nº.* 111.

The King's Commissioners Answer thereunto, 17. *February.*

CXIIII. WE had great reason to desire a perfect and full answer from your Lordships, to our first and second Papers delivered by us to your Lordships on the 15. of *Feb.* and we desire your Lordships to consider how difficult a thing it is for us, to give your Lordships a satisfactory answer to your Propositions, as they relate to either, or both Kingdoms, or to the power of the Commissioners of both Kingdoms, as they are to be a joynt Committee to hear and determine all differences, according to Instructions from both Houses of Parliament of *England*, or the Estates of the Parliament of *Scotland*, before your

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your Lordships are pleased to inform us, whether you intend the Commissioners of *Scotland* shall have any power or authority in the setling all Forces by Sea and Land in this Kingdom, and what authority they shall have; and whether the advice, Instructions, or orders of the Estates of the Parliament of *Scotland* shall have any influence upon the affairs of this Kingdom, or the Commissioners to be named according to those Propositions, otherwise then as the said advice, Instructions, or orders shall be approved and confirmed by the two Houses of Parliament of *England*; and what Jurisdiction you intend the Commissioners shall have, who are to determine all differences that may occasion the breach of the Articles of the Peace; and by what Law or rule they shall proceed, try, and judge in the hearing and determining the same. In all which particulars we are very sory that we can receive no answers from your Lordships, for want whereof we may faile in giving your Lordships so satisfactory answers to your Propositions, as otherwise we might be enabled to do.

Their Reply, 17. *Feb.*

IT is cleerly expressed in our Propositions delivered to your Lordships, That all Forces by Sea and Land in this Kingdom, are to be setled by the two Houses of the Parliament of *England*, and in the Kingdom of *Scotland*, by the Estates of the Parliament there; and we conceive that the advice, Instructions, or Orders of either Kingdom, are to have no influence upon the affairs of the other, but such as is and shall be mutually agreed upon by the two Houses of the Parliament of *England*, and the Estates of the Parliament of *Scotland*; And for the Jurisdiction of the Commissioners, and by what Law or Rule they shall proceed, we have given your Lordships a full and cleer Answer thereunto, in our 5.* Paper of the 15. of *February*. CXV.

* *See before*, *No.* 111.

The King's Commissioners Paper,
17. February.

CXVI. IN the 12. Proposition your Lordships desire an Act to be passed for confirmation of the late Treaty, for the setling of the Garrison of *Berwick* of the 29. of *Novemb.* 1643. which relating to the businesse of the *Militia*, we hold it necessary to see before we can make our full answer upon the whole, and desire it accordingly of your Lordships.

Their Answer. 17. *February.*

CXVII. AS for what concerns the Act for Confirmation of the late Treaty, & for setling the Garrison of *Berwick*, it is not now to be Treated upon, but is reserved to its proper time.

The King's Commissioners Paper, 17. *Feb.*

CXVIII. WE desire to know, whether by the joynt power mentioned in your Lordships Propositions to be given to the Commissioners for both Kingdoms, to preserve the Peace between the Kingdoms and the King, and every one of them, your Lordships do intend any other then Military power for suppressing Forces onely, which is expressed after in a distinct clause by it self; And if your Lordships do intend any further power, that your Lordships would declare the same in certainty and particular.

Their Answer, 17. *Feb.*

CXIX. WE conceive the power of the Commissioners, mentioned in the 17. Proposition, is there fully expressed to preserve the Peace betwixt the Kingdoms, to prevent the violation of it, or any troubles arising in the Kingdoms by breach of the Articles, and to hear and determine all differences which may occasion the same, according

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ing to the Treaty, and to raiſe Forces to reſiſt Forraign Invaſion, and ſuppreſſe inteſtine Inſurrections, as is more at large ſet down in the Propoſition, to which we referre your Lordſhips.

The King's Commiſſioners Paper,
17. *February.*

WE deſire to know, whether the Commiſſioners of both Kingdoms meeting as a joynt Committee, The Commiſſioners of each Kingdom ſhall have a Negative voice, ſo as nothing can be done without their joynt conſent in matters of joynt concernment: And how, and by whom it ſhall be decided, what are caſes of joynt concernment to both Kingdoms. CXX.

Their Anſwer. 17. *Feb.*

IN all matters of joynt concernment, the Commiſſioners of both Kingdoms are to Act joyntly. And when they ſhall meet as a joynt Committee upon ſuch matters of joynt concernment, the Commiſſioners of each Kingdom are to have a Negative voice; And in doubtfull caſes, not expreſſed in the 17th. Propoſition, to be of joynt concernment, where the Commiſſioners cannot agree, whether or no they be of joynt concernment, they are to repreſent them to the two Houſes of Parliament of *England*, and the Eſtates of the Parliament of *Scotland* reſpectively, to be by them determined if they be ſitting, and in the intervals of Parliament, if the caſes be ſuch as cannot without prejudice to both, or either Kingdom, admit of delay; we conceive the Commiſſioners of each Kingdom are to Act ſeverally, and to be accomptable for it to the two Houſes of Parliament of *England*, and the Eſtates of the Parliament of *Scotland* reſpectively, at their next ſitting. CXXI.

The King's Commissioners Paper, 17. *February.*

CXXII. WE desire to know, whether by the Propositions for setling the Forces in Commissioners to be nominated by both Houses of Parliament, such as both Kingdoms may confide in, your Lordships do intend, That the Estates of the Parliament of *Scotland* shall approve or except against the Commissioners to be nominated for the Kingdom of *England*, both at present, and from time to time as the Commissioners shall dye, or be removed, or altered.

Their Answer. 17. *Feb.*

CXXIII. WE conceive it to be plain by the Proposition itself, That the Commissioners of both Kingdoms are respectively to be nominated by the Parliaments of either Kingdom, and neither Parliament hath power to except against, or approve the persons chosen by the other, and we are confident there will be no cause of exception, but who are chosen by either, will be such as both may confide in.

The King's Commissioners Paper. 14. *Feb.*

CXXIV. *The Admiralty is an office of Inheritance in* Scotland, *and setled by Act of Parliament.* WE desire to know, whether your Lordships intend by your Proposition concerning the setling of the Admiralty of *Scotland* by Act of Parliament, to alter the Inheritance of any person, which is already setled by the Laws of that Kingdom.

Their Answer thereunto, 15. *Feb.*

CXXV. TO your Lordships fourth Paper of the 14. of *Feb.* It is answered, that by our Propositions for setling the Admiralty of *Scotland* by Act of Parliament, it is intended that the Admiralty, and Forces at Sea, &c. shall be setled in

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in such manner as the Estates of Parliament there shall think fittest, for the safety and security of that Kingdom. And as touching the Inheritance of any person which is already setled, by the Laws of that Kingdom, the Estates of Parliament will do that which is agreeable to Justice.

The King's Commissioners Paper. 15. *Feb.*

WE desire to know, whether the Papers delivered to us touching the *Militia*, contain all your Lordships Propositions touching the *Militia* of *England* and *Scotland*; and if they do not, that your Lordships will deliver the rest, that we may make our answers upon the whole. CXXVI.

Their Answer. 15. *Feb.*

WHatsoever is contained in the Propositions concerning the *Militia*, of *England* and *Scotland*, is delivered in to your Lordships, except the 23. Proposition, and the last Article in the 26. Proposition, which are reserved for their proper place. CXXVII.

After all these passages, the King's Commissioners delivered in this Paper, in further answer to their Propositions concerning the *Militia*.

17. *February.*

WE had no purpose in our * answer delivered by us, to your Lordships on the sixth day of *February*, to divide our answers concerning the *Militia* of the two Kingdoms, otherwise then in point of time, and till we might receive satisfaction from your Lordships, concerning the powers to be given to the Commissioners of both Kingdoms, and the other particulars mentioned in our Papers, since delivered to your Lordships, wherein we are not as yet satisfied by any Papers delivered by your Lordships CXXVIII.

* *No.* 84.

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Lordships to us. Our further answer to those propositions concerning the *Militia* is, That we are willing and do agree, that the like course shall be taken and observed touching the *Militia* of the Kingdom of *Scotland*, as is offered in our said Paper of the sixth of *February*, and as shall be hereafter agreed on for the Kingdom of *England*, which we conceive to be a full security for the performance and observation of all Articles, which shall be agreed upon between us in order to a blessed Peace, which we are so desirous may be punctually and exactly observed, That we are willing that His Majesty be desired to take a most solemn strict Oath for the full observation thereof; And likewise that all persons of any immediate trust, by office or attendance on His Majesty and any other whom you shall think fit, shall take such Oath, for the due observance of the same, with such reasonable penalties as shall be proposed by your Lordships and agreed to by us; in which we beleeve we shall not differ with your Lordships, being willing that whosoever shall in the least degree infringe the agreement which shall be made between us, may be looked upon and accounted as most pernicious enemies to King and Kingdoms; And if it shall be thought necessary to make any additionall setlement of the *Militia*, with a generall reference to the good of the Kingdoms respectively, we desire the same may be done after the Peace established, by the joynt consent of His Majesty and the two Houses of Parliament in *England*, and His Majesty and the Estates of the Parliament of *Scotland* respectively; And as we shall desire & endeavour to remove all occasions that may interrupt the Peace and Tranquillity of that Kingdom and a perfect amity with them, and shall not desire any change of, or to intermedle in their Lawes or Government, or give them cause to apprehend any disturbance or violation of them from this Kingdom; so are we obliged with all tenderness to pre-

serve

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ve the Honour, Dignity, and Constitution of this Realm. And therefore as we are yet satisfied, we cannot consent that any persons authorized by the Estates of the Parliament of *Scotland*, or any advice from thence, shall have any influence upon the *Militia* of this Kingdom, or further interpose in the affairs of this Kingdom, then is already provided by the Act of Pacification. And we offer to your Lordships considerations, whether, unlesse there could be an union of the Laws of both Kingdoms, such a mixture of power, as is now proposed, and the influence thereof, both upon Martiall, and Civill affairs, may not prove very inconvenient and prejudiciall to both Kingdoms, and give cause of Jealousies to each other, to the disturbance of that mutuall Amity so much desired; But if this intermingling of power in both Kingdoms shall be further insisted on by your Lordships, we propound that the same may be setled, as (after a Peace established) shall be agreed by the joynt consent of His Majesty and both Houses of Parliament of *England*, and of His Majesty and the Estates of the Parliament of *Scotland*, and if your Lordships shall insist on any thing further for necessary security, we shall apply our selves to the consideration thereof, if we shall have further time so to do, according to our desires grounded upon His Majesties Letter.

Their Paper. 17. *February.*

CXXIX. WE do conceive that we have in our former Papers punctually satisfied your Lordships, in all you desired to know concerning the powers of the Commissioners of both Kingdoms, and the other particulars mentioned by your Lordships, and what your Lordships now offer concerning the *Militia* of the Kingdom of *Scotland*, that the like course shall be taken in it, as is expressed in your Lordships Paper of the sixth of *February*, to be observed for the *Militia* of this Kingdom; your Lordships

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may remember that in our answer to that Paper, we told your Lordships it was differing from what we had proposed, and unsatisfactory to our just and necessary desires for securing the Peace of the Kingdoms, and it cannot be expected that what was so then for the Kingdom of *England*, should now be thought other for the Kingdom of *Scotland*. And though both Kingdoms be now united in the same cause, and labouring under the same dangers, and therefore necessitated to a mutuall and reciprocall assistance of each other, had proposed a joynt remedy, and security by that Commission desired in our seventeenth Proposition, we find your Lordships say, That (as yet you are satisfied) you cannot consent unto it; To which we answer, that we beleeved we had given your Lordships such convincing reasons, as might have satisfied you, and we doubt not, but they may, if you will recollect your memoryes concerning them, and rightly weigh them. This being the last day we are to Treat upon this subject, it cannot be expected, and, as we conceive, it is altogether needlesse to use any more Arguments; we do therefore desire your Lordships will be pleased now at the last, to give us your full and positive answer to our demands, as we have often already pressed your Lordships, and whereas your Lordships do propound, that if we shall further insist upon the uniting of the powers of both Kingdoms, it may be done after the Peace established, we desire your Lordships to consider, that it is demanded by us in order to a Peace, and a chief and most necessary means for the attaining and establishment of it. And we further observe, that your Lordships have given us no answer at all to our fifteenth Proposition; which we do likewise insist upon, and desire your answer.

The

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The King's Commissioners Answer,
17. *February.*

IF your Lordships had punctually, or in any degree satisfied us in what we desired to know concerning the powers of the Commissioners of both Kingdoms, and the other particulars mentioned by us, we had not troubled your Lordships with so many questions, to most of which we could receive no other answers, then the referring us to the Propositions themselves, upon which we grounded our questions. And we conceive that your Lordships Propositions upon the *Militia*, upon which you still insist, have in truth appeared upon debate to be most unreasonable in many particulars; As that the persons to be entrusted with the *Militia*, should be nominated onely by the two Houses; And that His Majesty who is equally to be secured that the Peace should not be broken, should name none; That the power given to the Commissioners, shall be framed and altered as occasion serves by the two Houses onely; And that His Majesty, who is so much concerned therein, shall have no Negative Voice, as to such powers, but is absolutely excluded, and that the time should be unlimited: So that His Majesty for himselfe and his Posterity should for ever part with their peculiar Regall power of being able to resist their Enemies, or protect their good Subjects, and with that undoubted and never denyed Right of the Crown, to make Warre and Peace; And in no time to come, His Majesty or His Posterity should have power to assist their Allies with any supplies of Men, though Voluntiers, or ever more to have any Jurisdiction over their own Navy or Fleet at Sea, and so consequently must lose all estimation and confidence with Forraign Princes. And many other expressions in the said Propositions, do either signifie what we find your Lordships do not expect, or intend, or at least are CXXX.

ſo doutfull, that the cleer ſenſe thereof is not evident to all underſtandings; As by the literall ſenſe of your Propoſitions, neither the Sheriffes of Counties, or Juſtices of Peace, and other legall Miniſters may raiſe Forces by the *Poſſe Comitatus*, or otherwiſe to ſuppreſſe Riots, and remove forcible Entries, or to perform the other neceſſary duties of their places, without being liable to the interpretation of the Commiſſioners for the *Militia*, that ſuch Forces are raiſed, or Actions done, for the diſturbance of the publique Peace; as likewiſe all Civill Actions and differences may be comprehended within thoſe Propoſitions to be tryed before the ſaid Commiſſioners; neither of which we beleeve your Lordſhips intend ſhould be.

And therefore we have in our Anſwers propoſed, what we thought would be agreeable to the matter and end of thoſe Propoſitions, that is, a reaſonable and full ſecurity, for the obſervation of the Articles of the Treaty, which, according to what we have offered, cannot be broken on either part, without evident prejudice and danger to that part which ſhall endeavour the breaking thereof. And that the memory of theſe unhappy diſtractions may be forgotten as ſoon as may be, that the time of this ſettlement may be limited to three yeers, which, by the bleſſing of God, will be ſufficient to beget a good underſtanding between His Majeſty and all His People. And that the fifteenth Propoſition, and all the other parts of your Lordſhips Propoſitions, being not at all neceſſary to the preſent Union and Reconciliation, may be deferred till after the Peace eſtabliſhed, to be ſetled by His Majeſty, and the two Houſes of Parliament in *England*, and His Majeſty, & the Eſtates of the Parliament in *Scotland* reſpectively. But if your Lordſhips ſhall not think this way of nomination of Perſons to be Commiſſioners, or the other propoſed likewiſe by us, in our Paper of the ſixth of *February*, for the agreement of the Commiſſioners between your Lordſhips and

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and us, to be equall; we shall gladly receive any more equall way from your Lorpships, since it is apparent, that that already proposed by your Lordships, and which you insist upon *in Terminis*, is not fit to be consented to for the quiet and Peace of the Kingdom, presuming that you will think the Security ought to be mutuall, as the Fears and Jealousies are mutuall. And we are most confident, that His Majesty so much desires to give all reasonable and fit security on his part, that the agreement and Peace to be now made, shall be inviolably observed; That as he will name no man for this great Trust, against whom there can be just exception, (if the persons are named equally between him and you) so if the whole nomination were left to Him, He would pitch onely upon such as both Kingdoms might have great cause to confide in, and we beleeve might give full satisfaction to your Lordships. And therefore we hope your Lordships will beleeve, that the reason we consent not to your Propositions, is, because we conceive them destructive to the end for which they are proposed, Justice, Peace, and Unity; and not that we deny to consent to any reasonable security, for observance of the agreement to be made, of which we will alwayes be most tender, with regard to all persons concerned.

This was the last Paper, delivered in the last of the six dayes touching the *Militia*, but that being taken up again, in some part of the two last dayes of the Treaty, as those of *Religion* and *Ireland* also were, their Commissioners, upon their breaking up of the Treaty, about two of the Clock in the morning after the 22. of *February*, gave in a Paper intended for an Answer to this Paper, which nevertheless relates to the Paper here next following, delivered by them the 21. of *February* mentioning a limitation of time for seven yeers, and for that cause is herein set down

1484 after that Paper, and as their laſt of that Subject; and the Papers upon that Subject, delivered in the mean time, in the two laſt dayes, are theſe following.

Their Paper. 21. *Feb.*

CXXXI. WHereas your Lordſhips have in ſeverall Papers much inſiſted, That the Commiſſioners mentioned in the ſeventeenth Propoſition, ſhould be for a limited time, that your Lordſhips might better give a full Anſwer to our deſires concerning the *Militia*, though we conceive the Reaſons we have given, might have ſatisfied your Lordſhips for the time to be unlimited, yet to manifeſt our earneſt deſires of Peace, we propoſe to your Lordſhips, the time for the ſaid Commiſſioners, to be for ſeven yeers, from the time of the paſſing the Act for the *Militia*. And that after the expiration of ſuch term, the *Militia* of the Kingdom, to be ſetled and exerciſed in ſuch manner as ſhall be agreed upon by His Majeſty, and the two Houſes of the Parliament of *England*, and by His Majeſty and the Eſtates of the Parliament of *Scotland* reſpectively, and not otherwiſe.

At the ſame time the Scotch Commiſſioners, from themſelves apart, delivered in this Paper, ſigned by their own Secretary onely, all the other Papers being ſigned by two Secretaries, for the Engliſh and Scotch Commiſſioners.

21. *February.*

CXXXII. WE, the Commiſſioners of the Parliament of *Scotland*, do declare, That our conſent to the Paper given in this day concerning the limitation of the power of the *Militia*, in Commiſſioners according to the ſeventeenth Propoſition, to continue for ſeven yeers, from the time of the paſſing of the Act for the *Militia*; and after the expiration of that term, to be ſetled in ſuch manner as ſhall be agreed upon by His Majeſty, and the two Houſes of the Parliament

ment of *England*, And by His Majesty, and the Estates of the Parliament of *Scotland* respectively, and not otherwise, is to be understood as followeth; That we will represent the same to the Estates of the Parliament of *Scotland*, or their Committees, to which we are confident they will assent, as that which is conceived to conduce to a happy agreement, and setling of a firm and blessed Peace. 1485

The King's Commissioners Answer.
22. *February.*

WE have hitherto conceived, That this Treaty hath been betwixt us that are appointed Commissioners by His Majesty, and your Lordships, the Commissioners from the two Houses of the Parliament of *England*, and your Lordships the Commissioners of the Parliament of *Scotland* joyntly, and not severally; But finding that your Lordships, the Commissioners of the Parliament of *Scotland*, have delivered to us a distinct Paper, signed onely by your Secretary, of the twentieth of *Feb.* concerning the *Militia*, and that not concurring with the other joynt Paper, delivered and subscribed by both your Secretaries upon that Subject that day; We desire to know, whether the Commissioners of the Parliament of *Scotland* have a negative voice, or have not power to conclude, without further power to be granted from the Estates of the Parliament of *Scotland*, and expect in this Treaty to be severally Treated with; And after your Lordships Answer to this Paper, we shall be able to give your Lordships a further Answer to your joynt Paper of the twentieth of *February*. CXXXIII.

Their Paper. 22. *February.*

THe Treaty is betwixt us that are the Commissioners of the Parliaments of both Kingdoms joyntly, and not severally; and your Lordships the Commissioners from CXXXIV.

His

His Majesty, And the Commissioners of the Parliament of *Scotland*, did joyn with the Committees of the two Houses of the Parliament of *England*. in giving in the other joynt Paper concerning the *Militia* delivered yesterday, subscribed by both Secretaries, but seeing it contains an alteration, limiting the time to seven yeers, which in the former Propositions agreed to by both Parliaments is indefinite; they did declare, That they are confident, the Parliament of *Scotland* will assent thereto, and they have shewed your Lordships sufficient power to conclude any thing by them agreed unto.

The King's Commissioners Paper,
22. February.

CXXXV. WE cannot rest satisfied with your Lordships answer to our Paper delivered to you this day, concerning your Lordships the Commissioners of the Parliament of *Scotland*, it being indeed but a repetition of your Lordships Paper, and no answer to ours thereupon; and it being very necessary for us to know whether the Commissioners of the Parliament of *Scotland* have a negative voice, and whether they have not power to conclude, without further powers to be granted from the Estates of the Parliament of *Scotland*, upon the answer to which we must the rather insist, because your Lordships last Paper gives the reason of the distinct Paper delivered to us from the Commissioners of the Parliament of *Scotland* to be, because the limitation of time now offered, differs from the Propositions agreed on by both Parliaments, in which the time is indefinite, which seems to us to intimate, that your Lordships, who are the Commissioners from the Parliament of *Scotland*, have not power to consent to any alteration from the said Proposition, without first acquainting the Parliament of *Scotland*, although the other joynt Paper, delivered upon that Subject, be signed

1484.

ſigned by both your Secretaries; and thereby it is evident, that it much concerns us to know, whether the ſaid Commiſſioners have a negative voice in this Treaty. For the matter of your Lordſhips Paper concerning the limitation of time for the *Militia* to ſeven yeers, it is not poſſible, by reaſon of this ſhortneſſe of time for the Treaty (it being ten of the clock this night when your Paper was delivered) to give your Lordſhips a full anſwer, it being neceſſary for us to receive ſatisfaction from your Lordſhips in writing, or by Conference, whether by the words, *And not otherwiſe*, your Lordſhips intend that after the expiration of the time limited, His Majeſty ſhall not exerciſe the legall power which he now hath over the *Militia*, before the ſame be agreed upon by His Majeſty and the two Houſes of the Parliament of *England*, and by His Majeſty and the Eſtates of the Parliament of *Scotland* reſpectively, for which reſolution and debate, we heartily wiſh the time were ſufficient, being very willing to give your Lordſhips all reaſonable ſatisfaction. And therefore we do propoſe to your Lordſhips, that if the Treaty may not now continue, it may be adjourned for ſuch time as you ſhall think fit, and not totally diſſolved, but again reſumed, which we propoſe as the beſt expedient now left us for the procuring of a bleſſed Peace, and by it, the preſervation of this now miſerable Kingdom from utter ruine and deſolation.

After this, about two of the clock the next morning, they gave this Paper following, which is here mentioned, to be delivered upon their breaking up the Treaty, and intended for an Anſwer to the Paper of the ſeventeenth of *February*, *N°*. 129.

Their Paper, 22. *Feb.*

WE conceive, if your Lordſhips would weigh our demands concerning the power of the Commiſſion- CXXX VI.

ers of both Kingdoms, you will be satisfied with our Answers to your severall Questions; where any doubts were of the expressions we did explain them, and when the Propositions were so cleer as they could bear no doubtfull sense, we did referre your Lordships to the Propositions themselves. And we conceive our demands concerning the *Militia*, to be most reasonable, and all objections made against them to be by us removed; And why your Lordships should insist that the Commissioners should not be nominated by the two Houses onely, and His Majesty, who is to be equally secured, should name none, we much marvell at, when you may well consider this power was not to be exercised by the Commissioners, untill a Peace had been concluded upon this Treaty, and then His Majesty had been fully secured by the Laws of the Kingdom, and by the duties and affections of His Subjects, neither could the Commissioners do any thing in violation of the Peace, to the prejudice of His Majesty, contrary to the Trust reposed in them, they having a rule prescribed which they were not to transgresse, and being removable by both Houses of the Parliament of *England*, and the Estates of the Parliament of *Scotland* respectively, and being liable for any miscarriage to severe punishment. And as for their security who have been with His Majesty in this War, an Act of Oblivion is desired to be passed, whereby all His Majesties Subjects in both Kingdoms would have been put in one and the same condition, and under the same protection, with some exceptions mentioned in those Propositions; And if the Commissioners had been severally chosen, the memory of these unnaturall Divisions must needs have been continued, and probably being severally named, would have acted dividedly, according to severall interests, and the Warre thereby might be more easily revived: whereas the scope of the Propositions we have

tendred,

1489.

tendred, was to take away occasions of future differences, to prevent the raising of Arms, and to settle a firm and durable Peace. And to your Lordships objections, That the Commissioners were to continue without any limitation of time, although the reasonablenesse thereof hath been sufficiently manifested to your Lordships, yet out of most earnest desires of Peace, we have proposed to your Lordships a time of seven yeers, as is expressed in our Paper delivered to your Lordships the 21. of this instant.

And for the peculiar Royall Power which your Lordships mention to reside in His Majesty concerning the *Militia*, and to make Peace and Warre, we cannot admit thereof; or that it is otherwise exercised then by authority from His Majesty and both Houses of Parliament of *England*, and the Estates of the Parliament of *Scotland* respectively; Neither are the Commissioners to have power to make Peace or Warre, but that is referred to the 23. Proposition to be Treated upon in due time.

And for the Navy and Fleet at Sea, the principall means to maintain them, is, to be raised by the free gift of the Subjects out of Tonnage and Poundage, and other payments upon Merchandise, and the Navy and Fleet being a principall means of our security, the reasons are the same for them as for the *Militia* by Land.

And for what your Lordships alleadge concerning Sheriffes, and Justices of Peace, and other legall Ministers, not to raise the *Posse Comitatus*, or Forces to suppresse Riots, without being liable to the interpretation of the Commissioners; we say this is no part of the *Militia* to be exercised by the Commissioners, but in executing of Justice and legall Processe, nor can be intended to be any disturbance, but for the preservation of the Peace; Nor can their power of hearing & determining Civill Actions and differences be extended further then preservation of the Articles of

the Peace to be made, and as is cleerly and plainly expreſt in the 27. Propoſition.

And whereas we ſeek the *Militia* to be ſetled in the fifteenth Propoſition, and the other parts of our Propoſitions in order to, and for procuring of a Peace and which are neceſſary to a preſent Union, your Lordſhips deferre them untill the Peace ſhall be eſtabliſhed, which delay we hope, upon ſecond thoughts, your Lordſhips will not judge to be reaſonable.

And when your Lordſhips do take into ſerious conſideration, the great Calamities, and how occaſioned, (to ſay no more) you cannot think, but that we ought to be moſt carefull of preventing the like for the future.

And ſeeing all we deſire for theſe ſo important ends, is limited to a few yeers, we ought to inſiſt upon ſuch a remedy as may be a fitting cure, and in ſo doing, we hope we ſhall be juſtified before God a Man.

Wherefore we again moſt earneſtly deſire your Lordſhips, as you tender the deplorable Eſtates of theſe bleeding Kingdoms, the ſetling of *Religion*, the Honour of His Majeſty, and the compoſing theſe miſerable Diſtractions, that your Lordſhips will give your full and cleer Anſwer to our Demands concerning the *Militia*.

This laſt Paper was delivered about two of the clock, when the Treaty was at that inſtant breaking up, and at the ſame time the King's Commiſſioners had (upon the like occaſion of two Papers of theirs, given in a little before, concerning *Ireland*, hereafter mentioned) delivered in a Paper, *N°.* 179. that they might give anſwer thereto the next day, dated as of that day, as had been formerly uſed, which was not granted; ſo that in Anſwer to this Paper ſo earneſtly requiring an Anſwer in the cloſe thereof; it was impoſſible to give in any Paper at the preſent, neither would any be received, but at preſent.

The

The Papers touching *Ireland*.

After the first six dayes of the Treaty, spent upon Religion, *and the* Militia, *according to the same Order formerly proposed, the Propositions concerning* Ireland *were next Treated upon, the three dayes following, beginning the seventh of* February; *and the same was also taken up again the eighteenth of* February, *for other three dayes.*

Their Propositions touching Ireland,
7. February.

WE desire that an Act of Parliament be passed to make void the Cessation of *Ireland*, and all Treaties with the Rebells without consent of both Houses of Parliament, and to settle the prosecution of the Warre of *Ireland*, in both Houses of the Parliament of *England*, to be managed by the joynt advice of both Kingdoms, and His Majesty to assist, and to do no act to discountenance, or molest them therein. CXXX VI.

The King's Commissioners Paper,
7. February.

WE desire to know, whether the Paper we have received from your Lordships, contain in it all the demands your Lordships are required by your Instructi- CXXX VII.

ons to insist upon concerning *Ireland*, which if it doth, we are ready to enter upon that debate, but if it do not, we then desire to receive all the Propositions your Lordships intend to make concerning *Ireland* together, being confident that upon a whole view of the businesse, we shall give you full satisfaction in that Argument.

Their Paper. 7. *Feb.*

CXXXVIII. WE are to insist upon other things concerning *Ireland*, which being part of other Propositions, we conceive not so proper to give your Lordships, till we have received your answer to our Paper formerly delivered, and are ready by present conference, to satisfie any doubts that remain with your Lordships concerning that Paper.

Notwithstanding they delivered in these further Papers, and Propositions following.

Their Paper, 7. *February.*

CXXXIX. WE desire, that an Act be passed in the Parliament of both Kingdoms respectively, to confirm the Treaty concerning *Ireland* of the sixth of *August* 1642. (which Treaty we herewith deliver) and that all Persons who have had any hand in plotting, designing, or assisting the Rebellion of *Ireland*, may expect no pardon, and their Estates to pay publique debts and dammages. And that the Commissioners to be nominated as is appointed in the 17. Proposition, may order the Warre of *Ireland*, according to the Ordinance of the eleventh of *April*, 1644 (which we herewith deliver) and to order the *Militia*, and to conserve the Peace of the Kingdom of *Ireland*.

And that by Act of Parliament, the Deputy, or chief Governour, or other Governours of *Ireland*, be nominated by both Houses of the Parliament of *England*, or in the intervals of Parliament, by the said Commissioners, to continue during the pleasure of the said Houses; or in the intervals

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intervals of Parliament, during the pleasure of the said Commissioners, to be approved or disallowed by both Houses at their next Sitting; And that the Judges of both Benches, and of the *Exchequer* in *Ireland*, be nominated by both Houses of Parliament, to continue *Quàm diu bene se gesserint*, and in the intervals of Parliament, by the aforesaid Commissioners to be approved, or disallowed by both Houses at their sitting.

Together with these last Propositions, they delivered the Treaty of the sixt of *August*, 1644. and the Ordinance of the eleventh of *Aprill* therein mentioned, together with another of the ninth of *March*; which see in the Appendix *No.* 7. and 8.

The King's Commissioners Paper, 9. Feb.

CXL.

WE desire to know what your Lordships intend, or expect by those words in your * first Paper concerning *Ireland* [*and His Majesty to assist*] since you propose to have the prosecution of the War of *Ireland* to be setled in both Houses of the Parliament of *England*, to be managed by the joynt advice of both Kingdoms.

* *No.* 136.

Their Answer, 9. February.

CXLI.

BY the words in our Paper concerning *Ireland* [*and His Majesty to assist*] we conceive is to be understood, the giving of His Royall assent to such Acts of Parliament, as shall be presented unto him by both Houses, for raising of moneys from the Subject, & for other things necessary to the prosecution of the Warr in *Ireland*, and to be further ayding by His Power and countenance, in whatsoever shall be requisite for the better carrying on of that Warre.

The King's Commissioners Paper 10. *Feb.*

CXLII.

WE conceive that His Majesty had, and hath power, to make a Cessation in *Ireland*, and having upon just

just grounds, and for the good and safety of His Protestant Subjects there, and for the preservation of that whole Kingdom, consented to such a Cessation, we desire to be informed by your Lordships, how that Cessation can be declared void, without a breach of Faith and Honour in His Majesty? and we are ready by Conference particularly to inform your Lordships of the motives which induced His Majesty to consent to that Cessation.

Their Answer. 10. *Feb.*

CXLIII. WE conceive that His Majesty had not power to make the Cessation in *Ireland*, nor had any just grounds to do the same, and therefore we insist, as in our former Paper, That an Act of Parliament be passed to make void the Cessation of *Ireland*; and conceive that His Majesty is bound in honour and justice to consent unto the same, and we are ready to conferre with your Lordships, as is desired, and to receive your Lordships full Answer to this, and the other particulars, expressed in our Paper concerning *Ireland*.

After long debates in conference, which spent the greatest part of the day, touching the motives of that Cessation, and the King's Power to make it, His Majesties Commissioners delivered in this Paper.

10. *February.*

CXLIV. WE have received no satisfaction, or information in your Lordships debate to alter our opinions of His Majesties power to make the Cessation in *Ireland*, and having carefully perused & considered the Statute alleadged by your Lordships, we cannot find any particular clause in that Statute, neither have your Lordships mentioned any, (though often desired by us so to do) whereby His Majesties power to make a Cessation there is taken away: and

therefore

fore we are ſtill of opinion, that His Majeſty had power to make and conſent to that Ceſſation, and conceive that we have given your Lordſhips an account of very juſt grounds to induce His Majeſty to do the ſame, it appearing to His Majeſty by the Letters and advice from the Lords Juſtices, and Councell of that Kingdom, and of the Officers of His Majeſties Army there (which we have read to your Lordſhips, and of which Letters and advices we now give * Copies to your Lordſhips) that His Majeſties good Proteſtant Subjects of that Kingdom, were in imminent danger to be over-run by the Rebels, and His Army to be diſbanded for want of neceſſary ſupplies, and that there was no ſuch probable way for their preſervation, as by making a Ceſſation, neither have your Lordſhips given us any ſatisfying reaſons againſt the making the ſaid Ceſſation, or made it appear to us, that that Kingdom could have been preſerved without a Ceſſation, and therefore we cannot apprehend how His Majeſty can, with Juſtice and honour, declare the ſame to be void.

** Copies of the Letters & advices, were accordingly delivered.*

We ſhall be ready, againſt the next time aſſigned for the Treaty touching *Ireland*, to give your Lordſhips a further anſwer to your Propoſitions concerning that Argument, the Treaty concerning *Ireland* of the ſixth of *Aug.* 1642. and the Ordinance of the eleventh of *Aprill* 1644. (which we did never ſee till your Lordſhips delivered us Copies of them) making ſo great an alteration in the Government there, that we cannot be prepared for the preſent to make a full anſwer to thoſe Propoſitions.

Their Anſwer. 10. *February.*

CXLV.

IT is very contrary to our expectation to find your Lordſhips unſatisfied, after thoſe Arguments and reaſons alledged by us, that His Majeſty had not power to make the Ceſſation with the Rebels in *Ireland*, and that upon the

perusall of the Statute, it appears not to you, that His Majesty had no power to make that Cessation; it is strange to us your Lordships should forget all the other Arguments used by us from the Common-Law, from other proceedings in Parliament, and circumstances as this case stands, on which we still insist, and do affirm, that His Majesty had no power to make or consent to that Cessation; we do not see any just grounds in the Copies of the Letters, given us by your Lordships, for His Majesties assenting to the Cessation, nor do we know by whom those Letters were written; we are therefore still cleerly of Opinion, notwithstanding all your Lordships have alleadged, that it was unfit for His Majesty to agree unto that Cessation, being distructive to His good Subjects, and to the Protestant Religion there, and onely for the advantage of the Popish Rebels, to the high dishonour of God, the disservice of His Majestie, and evident prejudice of His three Kingdoms. We therefore again desire your Lordships full answer to what we have delivered to you concerning *Ireland*.

The King's Commissioners Paper 10. *Feb.*

CXLVI. WE have given your Lordships our reasons why we are not satisfied with your Arguments, That His Majesty had not power to make the Cessation: and as upon the perusall of the Statute, we can find no ground for that Opinion, so your Lordships in your whole debate, have not insisted or mentioned one clause in that Statute (though often desired) which makes it good, neither have your Lordships given us any Argument from the Common-Law, other then by telling us, *That it is against the Common-Law, because the private interest of the Subscribers for Money was concerned in it*; to which we give this answer, That their Interest was conditionall upon payment of their Moneys for the maintenance of the Warre,

See the late Statute concerning the Adventurers for Irish Lands.

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Warre, which was not performed; and that if they had paid their Moneys, yet this Ceſſation was rather for the advance of that Intereſt, there being (as it appears by the* Papers) no other viſible means of preſervation of the Army in *Ireland*, & that the Statute which gave that private Intereſt, doth not take away the Kings power of making a Ceſſation; and we conceive that Argument of Intereſt was waved: But if your Lordſhips ſhall inſiſt upon it, we again deſire, as we did formerly, That a Caſe may be made of it and that the debate may be again reſumed. Neither do we know that any Argument was uſed by your Lordſhips from the proceedings in Parliament; and if you ſhall give any we ſhall be ready to Anſwer it: And we conceive, that the advice given to His Majeſtie, from the Lords Juſtices, and Councell of *Ireland*, and the teſtimony of the Officers of the Armie, expreſſing the miſerable condition of that Kingdom, and inabilitie to bear the Warre, ſhould appear to your Lordſhips to be juſt grounds for His Majeſties aſſenting to the Ceſſation. One of the Letters delivered by us to your Lordſhips bearing date the fourth of *Aprill*, 1643. was ſent by the Lords Juſtices & Councell of *Ireland*, to Mr. Secretary *Nicholas*, in which was incloſed their Letter to the Speaker of the Houſe of Commons, of which your Lordſhips have likewiſe an Extract, and a remonſtrance of the Officers of the Army to the Lords Juſtices, and Councell there, and the other Letter of the fifth of *May*, 1643. to His Majeſty, was from the Lords Juſtices and Councell of that Kingdom: All which (if your Lordſhips pleaſe) ſhall be examined by you, with the Originals; And we are therefore of opinion, that our Anſwer formerly delivered, is a good Anſwer to the point of Ceſſation in queſtion. And that it was not unfit for His Majeſty to agree to that Ceſſation, nor deſtructive to the Proteſtant Religion, nor for the advantage of the Popiſh Rebels: but much for the advantage of the

* *See the Letters & advices in the Appendix. N°. 9.*

Protestant Subjects there, who were in apparent hazard of destruction by Force and Famine, occasioned by the want of Supplies, which had been promised to them, as we have formerly said. And we shall give your Lordships a further Answer to your other Propositions concerning *Ireland*, when the time comes again for that Debate.

Here ended the first three dayes of the Treaty concerning *Ireland*, and the night before the return of the next three dayes, their Commissioners delivered this Paper.

17. *February.*

CXLVII. WE conceived that the Arguments used by us, That His Majesty neither had, or hath power to make the Cessation with the Rebels of *Ireland*, might have fully satisfied your Lordships, & if any doubts yet remain, we are ready by Conference to cleer them. Your Lordships may well call to mind the severall Clauses we insisted upon in the Statute, and the Arguments we have given from the Common-Law, and other proceedings in Parliament; And we do affirm that severall great summes of Money were paid by particular Persons, and by Corporations, who, according to the true intent of the Statute, ought to have the benefit of the same, according to divers other Acts of Parliament in pursuance thereof; and upon failer of payment by any particular Persons, the forfeiture was to accrew to the Common benefit of the rest, not failing; And we do deny that the Argument of Interest was at all waved by us. And we conceive those wants alleadged by your Lordships (if any such were) in justifying the Cessation, were supplied from time to time by the houses of Parliament untill His Majesties Forces were so quartered in and about the Common Roads to *Ireland*, that Provisions going thither were intercepted, and neither Money, Clothes, Victuals, or other things could passe by Land, with

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with safety, to be transported. And when that both Houses of Parliament were desirous further to supply those wants, and for that purpose did tender a Bill to His Majesty, It was refused. And we still alleadge that we have no reason to be satisfied concerning the Cessation by any Arguments used by your Lordships, or by any thing contained in the Extracts of the Letters and Papers delivered to us by your Lordships, as from the Lords Justices, and Councell of *Ireland*, and the Officers of the Army, nor (though desired by us) have your Lordships afforded us Liberty to compare those Extracts with the Originals, whereby we might have the names of the Persons by whom they were written, which we now again desire. We are therefore still cleerly of Opinion as is expressed in our former Paper of the tenth of *February*, concerning the Cessation, and do desire your Lordships full Answer to our Demands concerning *Ireland*.

The King's Commissioners Answer.

18. *February.*

CXL VIII.

WE did not conceive that your Lordships had beleeved that any Arguments used by you could satisfie us against His Majesties Power to make a Cessation with the Rebels in *Ireland*, which appears to have been made by Him, by the advice of His Councell there, and for the preservation of His Majesties Protestant Subjects of that Kingdom, who in all probability would have perished by Famine & the Sword, if that Cessation had not been made; And we shall be very ready to receive further Information from your Lordships by Conference, or otherwise, in that particular, either concerning any Clauses in the Statute, or Arguments at Common-Law, or proceedings of Parliament (your Lordships having never mentioned the one, or made any Case upon the other) upon which you intend to insist. And for the severall great summes of

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Money that were paid by particular Persons and Corporations, upon that Statute mentioned by your Lordships, we are sory that we are compelled, by your Lordships insisting thereon, to inform your Lordships, that His Majesty had cleer Information, that not onely much of the Money raised by the Act for the 400 thousand pound, which was passed, for the better suppressing that most wicked and execrable Rebellion in *Ireland*, and for the payment of the debts of this Kingdom, but also of the Money raised by the Statute (on which your Lordships insist) for the speedy and effectuall reducing of the Rebels of *Ireland*, *&c.* and other Moneys raised by Contribution and Loan, for the relief of His Majesties distressed Subjects of that Kingdom, were expended, contrary to the intent of the Acts by which the same were levied, and of the Persons who lent and contributed the same towards the maintenance of the Forces in this Kingdom, under the Command of the Earl of *Essex*; And that many Regiments of Horse and Foot, levyed for the Warre of *Ireland*, under the Command of the Lord *Wharton*, the Lord *Kerry*, Sir *Faithfull Fortescue*, and others, were likewise imployed in that Army under the Earl of *Essex* at *Edge-Hill*, and therefore His Majestie refused to consent to the Bill, presented to His Majesty after this, for the Levying more Money for *Ireland*, justly fearing, that the same might be used as the former had been; And for the few Clothes (for there were no Moneys) intercepted by His Majesties Souldiers, in His Majesties Quarters, which are said to be intended for *Ireland*, the same were intercepted neer *Coventrey*, and going thither, after that City had refused to receive His Majestie, though at the Gates. But His Majestie never refused to give any safe Passe through His Quarters, for any Goods or Provisions which were intended or prepared for *Ireland*, neither was the same ever desired. For the extracts and Copies of the *Letters* delivered

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livered by us to your Lordships, from the Lords Justices, and Councell of *Ireland*, and the Officers of the Army, we have been, and are willing that your Lordships should compare them with the Originals; But for your having the names of the Persons who writ the same (since there can be no doubt of the truth of our Assertions) we conceive it not reasonable to desire the same, not knowing what inconvenience any of them (since you seem not to like that advice) might incurre, if at any time they should be found within your Quarters. And having now satisfied your Lordships in the Matter of the Cessation, we shall gladly proceed in the Treaty with your Lordships, upon any thing that may be apparently good for His Majesties Protestant Subjects there, and the resetling of that Kingdom in His Majesties Obedience.

Their Reply. 18. *Feb.*

CXLIX. WE do conceive, that the Arguments used by us, might have fully satisfied your Lordships, against His Majesties power to make a Cessation with the Rebels in *Ireland*, having answered whatsoever your Lordships have hitherto alleadged to the contrary; and offered, if any other doubts yet remain, by conference to cleer them, which still we are ready to do; And we have heard nothing just, or reasonable for that Cessation. It will be made evident, that the necessities, which by your Lordships were made excuses for the Cessation, were created on purpose to colour the same; and we are compelled by your Lordships Paper, to let you know, that the Committees of Parliament, sent into *Ireland*, to endeavour to supply their necessities; were discountenanced by the principall Instruments for that Cessation, and when they had taken up 2000 l. upon their personall security for the Army there, they were presently after commanded from the Councell, by a Letter brought thither from His Majestie,

jesty, by the Lord *Ormond's* Secretary; And when the Officers of the Army were contented to subscribe for Land in satisfaction of their Arreres, it was declared from His Majesty, that He disaproved of such subscriptions, whereby that course was diverted. And we do affirm, that what ever summes of Money raised for *Ireland* were made use of by both Houses of Parliament, were fully satisfied with advantage, and as we are informed before the Bill mentioned in our former Paper was refused by His Majesty; And for the Regiments of Horse and Foot mentioned by your Lordships to be raised for *Ireland*, and imployed otherwise by the Houses of Parliament: It is true that Forces were so designed, and when the Money, Arms, and other provisions were all ready, and nothing wanting but a Commission from His Majesty for the Lord *Whaton* who was to command them, the same could not be obtained, which was the cause those Forces did not go thither, and when twelve Ships and six Pinnaces were prepared with 1000. or more Land Forces, for the service of *Ireland*, and nothing desired but a Commission from His Majesty, the Ships lying ready and staying for the same, were three weeks together at 300 l. a day charge, yet the same was denyed, though often desired. And where your Lordships seem to imply, that the provisions seized by His Majesties Forces were going for *Coventrey*, it was made known to His Majesty, that the same were for *Ireland*. And your Lordships must needs conceive (that the Papers you delivered to us, being but extracts, and for that you deny us so to compare them with the Originals, as to have the names of the persons, by whom they were written) it is altogether unreasonable for us to give any credit to them, it being manifest by this, and our former Papers and debates, that the Cessation with the Rebels in *Ireland* is both unjust and unlawfull: We therefore insist on our demands

concerning

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ning *Ireland*, as apparently good for His Majesties affairs there, and for reducing that Kingdom to His Majesties Obedience.

Before His Majesties Commissioners gave answer to the last Paper, they being also to answer the rest of the Demands concerning *Ireland*, for their necessary information, touching some doubts that did arise upon those demands, and the Articles of the Treaty of the sixth of *Aug.* concerning *Ireland*, and Ordinances delivered with them, the King's Commissioners gave in these severall Papers.

The King's Commissioners first Paper, 19. February.

CL. IN the eighth Article of the Treaty, for the coming of the *Scots* Army into *England*, dated 29. *Nov.* 1643. at *Edenburgh*, delivered to us by your Lordships among the Papers for *Ireland*, & desired by the twelfth Proposition to be confirmed by Act of Parliament; *It is agreed that no Cessation nor any Pacification or Agreement for Peace whatsoever, shall be made by either Kingdom, without the mutuall advice and consent of both Kingdoms, or the Commitees in that behalf appointed, who are to have full power for the same, in case the Houses of the Parliament of* England, *or the Parliament or Convention of Estates of* Scotland, *shall not sit.* We desire to know whether that Article extend to any Cessation, Pacification, or Agreement in *Ireland*.

The Answer, 19. February.

CLI. WE did, in Answer to your Lordships Paper of the first of *Feb.* upon the Propositions concerning Religion, deliver the Treaty of the 29. of *Nov.* 1643. mentioned by your Lordships, and not among the Papers for *Ireland*, to which it hath no relation.

The King's Commissioners Reply, 20. *Feb.*

CLII. YOur Lordships did deliver the Treaty of the 29. of *November* 1642. to us, with the Papers concerning *Ireland*, and on the 7. day of this instant *February* and not upon the first of *February*, upon the Propositions concerning *Religion*.

Their Answer. 20. *Feb.*

CLIII. WHen your Lordships peruse your Papers, you will rest satisfied, with our Answer of the 19. of this instant to your first Paper that day given to us, for it will appear by your Lordships third Paper of the first of *February*, and our Paper given to your Lordships in answer of it, that the Treaty of the date at *Edinburgh* 29. *Nov.* 1643. was delivered to your Lordships on the first of *Feb.* upon the Proposition of *Religion*, and not upon the third of *Feb.* with the Papers concerning *Ireland*.

The Article of the Treaty of the 29. of *Nov.* 1643. which occasioned these Papers, being by their Papers thus acknowledged not to concern *Ireland*, and so not Pertinent to that Subject, the Kings Commissioners insisted no further.

The King's Commissioners Second Paper, 19. *Feb.*

CLIV. BY the 13. Proposition it is demanded, That an Act be passed to settle the prosecution of the Warre of *Ireland* in both Houses of Parliament of *England*, to be managed by the joynt advices of both Kingdoms. We desire to know, Whether, if the two Kingdoms shall not agree in their advice touching that Warre, each have a negative voice, or whether the *Scots* Commander in chief of the Forces in *Ireland*, may manage that Warre in such case, according to his own discretion.

Their

Their Answer. 19. *Feb.*

IN answer to your Lordships second Paper, the prosecution of the Warre of *Ireland*, is to be setled in the two Houses of the Parliament of *England*, but is to be managed by a joynt Committee of both Kingdoms, wherein the Committee of each Kingdom hath a Negative voice; but in case of disagreement, the Houses of Parliament of *England*, may prosecute the Warre as they shall think fit, observing the Treaty of the sixth of *August*, 1642. between the two Houses, and the Estates of the Parliament of *Scotland*, and the Ordinance of the eleventh of *Aprill*, 1644. delivered to your Lordships formerly. CLV.

The King's Commissioners third Paper
19. *February.*

BY the 20. Proposition, in the intervals of Parliament, the Commissioners for the *Militia*, have power to nominate the Lord Deputie of *Ireland*, and other Officers and Judges there. We desire to know, whether that power be limited to the Commissioners of both Kingdoms, or onely to the Commissioners for *England*, and whether in such cases, the Commissioners of *Scotland* shall Vote as single persons? CLVI.

Their Answer. 19. *Feb.*

THe power of the Commissioners, in the Intervals of Parliament, to nominate the Lord Deputie of *Ireland*, and other Officers and Judges there, mentioned in the twentieth Proposition, being no matters of joynt concernments, is to be limited to the Commissioners for the Parliament of *England*, wherein the Commissioners of *Scotland* are to Vote as single persons. CLVII.

The King's Commissioners fourth Paper
19. February.

CLVIII. THe Articles of the Treatie of the sixth of *August*, giving power to the Lieutenant of *Ireland* (when the *Scottish* Armie shall be joyned with His Armie) to give Instructions to the *Scottish* Commander in chief, and the Orders of the two Houses of the ninth of *March* 1644. and the eleventh of *April* 1644. appointing the Generall of the *Scottish* Forces in *Ireland*, to Command in chief, over all the Forces, as well *Brittish* as *Scots*, and both being desired to be enacted. We desire to know, whether the Lieutenant of *Ireland* shall Command the *Scots* Forces, or whether the *Scottish* Generall, shall Command all Forces, both *Brittish* and *Scots*?

See all these in the Appendix.

Their Answer, 19. *Feb.*

CLIX. IN Answer to your Lordships fourth Paper, we say that the Ordinances of the ninth of *March*, and eleventh of *April* 1644. were made when there was no Lieutenant of *Ireland*, and when a Lieutenant shall be made, with the approbation of both Houses, according to our former demands in the 17. and 20. Propositions, it will be a fitting time to give further Answer to your Lordships.

The King's Commissioners Reply, 20. *Feb.*

CLX. WE desire a full Answer from your Lordships, to our fourth Paper, delivered to your Lordships yesterday, concerning the Power of the Lord Lieutenant of *Ireland*, and the Generall of the *Scots* Forces, your Lordships having proposed to us that the Articles of the Treaty, and the Ordinance of the 11. of *April*, be enacted by His Majestie; by one of which the Generall of the *Scotch* Forces is to receive Instructions for the managing the Warre there from the Lieutenant of *Ireland*, and by the other (which is the latter) the Generall of the *Scots* Forces

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is to command in chief, both the *Brittish* and *Scots* Forces, by which it seems the Lieutenant of that Kingdom is to have no power in the prosecution of that Warre.

Their Answer. 20. *Feb.*

WE do insist upon our former Papers, That the prosecution of the Warre in *Ireland*, is to be setled in both Houses of Parliament, and is to be managed by the joynt advice of both Kingdoms, as in those Papers is set down; and when a Lieutenant of *Ireland* shall be appointed, as is expressed in the Propositions, and it shall be necessary for the good of the Service, that he and the Commander in chief of the *Scottish* Armie joyn; the Commander of the *Scottish* Armie shall receive Instructions from the Lord Lieutenant or Deputie, or other who shall have the chief Government of that Kingdom for the time, according to the Orders which shall be given by the Commissioners of both Kingdoms. CLXI.

The King's Commissioners fifth Paper,
19. *February.*

THe last part of the seventeenth Proposition gives power to the Commissioners for the *Militia* of both Kingdoms, as a joynt Committee, to order the Warre of *Ireland*, according to the Ordinance of the eleventh of *April*, and to order the *Militia*, and conserve the Peace of the Kingdom of *Ireland*; and by that of the eleventh of *April*, the Earl of *Leven* being appointed Commander in chief over all the Forces, as well *Brittish* as *Scots*: We desire to know, whether he shall be subordinate to those Commissioners for the *Militia*, and be obliged to observe such Orders as he shall receive from them. CLXII.

Their Answer 19. *Feb.*

CLXIII. THe Commissioners of the *Militia* desired by the seventeenth Proposition, are to order the Warre of *Ireland* according to the Ordinance of the eleventh of *Aprill*, and the Earl of *Leven* being by that Ordinance Commander in chief of the Forces there, is obliged to observe such Orders as he shall receive from those Commissioners.

Their Commissioners likewise the same 19. of *Feb* delivered in some Papers of Demands on their part.

Their Answer, 19. *Feb.*

CLXIV. WE desire that no Cessation of Arms, or Peace in *Ireland* may be Treated upon, or concluded, without consent of both Houses of Parliament of *England*.

Another, 19. *Feb.*

CLXV. WE desire to know, whether any Peace or Cessation of Arms in *Ireland*, be consented unto by His Majesty, and for what time, and whether any Commission be now on Foot, or other authority given by His Majesty for that purpose.

The King's Commissioners Answer to both,
20. *February.*

CLXVI. TO your Lordships * sixt and seventh Papers delivered to us yesterday concerning any Peace or Cessation of Arms in *Ireland*, your Lordships well know that long after the Warre begun in this Kingdom, and the want of a supply from hence, that a Cessation hath been made with His Majesties consent, and we conceive that the same expires in *March* next, and we are confident there is no Peace made there: But for the making a Peace, or a further Cessation, we can give no further answer till we may

** which were the two next precedent. Papers.*

may know, whether there may be a blessed Peace made in *England*, since, if the miserable Civill Warres shall continue in this Kingdom, we cannot conceive it possible for His Majesty by Force to reduce the Kingdom of *Ireland*, or to preserve His Protestant Subjects there, without a Peace or Cessation. 1509

Their Reply. 20. *Feb.*

WE conceive your Lordships have given no answer to us, whether any Commission be now on foot, or other authority given by His Majesty for any Peace, or Cessation of Arms in *Ireland*, other then that which determines in *March* next, nor to our desire that no Cessation of Arms, or Peace in *Ireland* may be Treated upon or concluded, without consent of both Houses of the Parliament of *England*; nor do we understand why your Lordships should delay your answer herein till the Peace in *England* be concluded, since it hath been so cleerly manifested to your Lordships by the true meaning of the Act passed by His Majesty this Parliament, that His Majestie can make no Peace nor Cessation without the Cosent of the two Houses, and that your Lordships satisfactory answer to this, and our other demands concerning *Ireland*, will much conduce to the setling the Peace of this Kingdom, we therefore again desire your Lordships full and cleer answer to the particulars expressed in our sixth and seventh Papers, yesterday delivered to your Lordships. CLXVII.

The King's Commissioners Answer,
20. *February.*

WE do not hold our selves any wayes obliged to answer your Lordships demand, whether any Commission be on foot, or other authority from His Majesty, for a Peace or Cessation of Arms in *Ireland*, (that question not arising upon any Propositions on His Majesties part) yet CLXVIII.

for

1510 for your Lordships satisfaction, we do again assure you, we do not know there is any Peace or Cessation made there, other then that which determins in *March* next. But what Commission the Marquesse of *Ormond*, as Lievtenant of *Ireland*, or Generall of the Forces there, hath to that purpose, we do not know, and therefore cannot inform your Lordships. And as to the other particulars in that Paper, we do * referre our selves to the answers formerly given in to your Lordships demands, touching that subject, with this, That we do conceive it to be most cleer, that His Majesty is in no wise restrained by expresse words, or by the meaning of any Act made this Parliament, from making a Peace or a Cessation in *Ireland*, without the consent of the two Houses.

* *The two Papers following No.* 171, *&* 172. *were delivered in before this Paper, and the reference is to them, and others formerly delivered on that Subject.*

Their Paper, 19. Feb.

CLXIX THere being but three dayes left to Treat upon the Propositions for *Religion*, the *Militia*, and for *Ireland*, and for that your Lordships have given no satisfactory answers to our demands concerning them, we therefore now desire to conferre with your Lordships, how to dispose of the three dayes yet remaining, that we may receive your Lordships full and cleer answers thereunto.

The Kings Commissioners Answer, 19. February.

CLXX. VVE see no cause why your Lordships should think our answers upon the propositions for *Religion* & the *Militia* were not satisfactory. And for that of *Ireland*, we have received many papers from your Lordships concerning that businesse, besides the Propositions themselves, to all which we doubt not to give a full and cleer Answer to your Lordships to morrow, being the time assigned, and the last

last day of the Treaty upon that Subject. * After we shall be ready to conferre with your Lordships of disposing the remainder of the time.

* *See the Paper*, 20. Feb. *N°.* 192. *touching His Majesties return to Westminster.*

Accordingly after the before mentioned Demands, and Answer thereunto of the 19. of *February*, the King's Commissioners in Answer to theirs of the 18. of *February*, *N°.* 149. delivered in this Paper.

20. *February.*

CL XXI.

WE have already told your Lordships, how farre we are from being satisfied by what you have alleadged against His Majesties Power to make a Cessation with the Rebels in *Ireland*, neither have your Lordships in any degree answered the important reasons which induced His Majestie so to do, it being very evident, that by the Cessation there, His Majesties Protestant Subjects have been preserved and subsisted, which without it they could not have done, the two Houses forbearing to send any relief or supply to them, and His Majesty not being able. And we desire your Lordships to consider how impossible it was, whilest the Warre continued in *England* with such fiercenesse and animosity, by Arms to reduce the Kingdom of *Ireland* to His Majesties Obedience, and therefore His Majestie had great reason to preserve that by a Cessation, which He could not reduce by a Warre; And we are most confident, that the necessities (which are not offered as excuses for, but were the reall grounds of the Cessation) were very visible to all those in that Kingdom, whose advices His Majestie ought in reason to follow, and whose interests were most concerned, and would not have given such advice, if any other way could have been found out to preserve them; And we have been credibly informed, that the Committee sent into *Ireland* (which His Majesty never understood to be sent thither to supply the necessities,

but to observe the Actions of His Majesties Ministers there, having, in their Journey thither, signed Warrants in their own names, to apprehend the Persons of Peers of this Realm, and Persons of His Majesties Privy Councell) were never discountenanced there for His Majesties directions, that Persons who were not of His Privy Councell there, should not be present at those Councels, cannot be interpreted a discountenance to them in any thing they ought to do; And we are most assured, that His Majestie sent no Message or Letter to divert the course of the Officers Subscribing for Land in satisfaction of their Arrears, but the Souldiers were meerly discouraged from the same, by discerning that for want of Supplies, they should not be able to go on with that Warre; And we do assure your Lordships, that His Majesty doth not believe, that the summes of Money raised for *Ireland* (which your Lordships do admit to have been made use of by both Houses of Parliament, otherwise then was appointed) are yet satisfied in any proportion, the greatest part of the Money raised upon the Bill for 400000 l. and of the Moneys raised upon the charitable Collections, as well as the Adventurers Moneys being imployed upon the Warre here; And if the same were since satisfied, it doth no wayes excuse the diverting of them, when in the mean time that Kingdom suffered by that divertion; And that the fear that other Moneys so raised, might likewise be misimployed, was a great reason (amongst others) that made His Majesty not consent to that Bill mentioned by your Lordships. And for the Regiments of Horse and Foot, which your Lordships, in your Paper of the 18. of this moneth, say, were designed for *Ireland*, though they were imployed otherwise, because a Commission could not be obtained for the Lord *Wharton*, who was to Command those Forces, It is well known, that those Forces were raised before His Majesties Commission was so much as desired,

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desired, and then the Commission that was desired, should have been independent upon His Majesties Lieutenant of that Kingdom, and therefore His Majestie had great reason not to consent to such a Commission; and so the damages of keeping those six Pinnaces, and the 1000 Land Forces (if any such were) proceeded not from any default of His Majestie; And for the Provisions seized by His Majesties Forces, it is notorious that they were seized in the way to and neer *Coventrey*, and that it was not made known to His Majestie, that the same were for *Ireland*, till after the seizure thereof, when it was impossible to recover the same from the Souldiers, who had taken them, Whereas if a safe Conduct had been desired by His Majestie, as it ought to have been, the same being to passe through his Quarters, there would have been no Violence or Interruption offered. For the giving the Names of the Persons, who subscribed the Letters delivered to your Lordships (the Originals of which have been shewed to you by us) we have given your Lordships a full and reasonable Answer, and if your Lordships will assure us, that the giving their names to you, shall be no prejudice to the Persons who did subscribe, if at any time any of them shall be found within your Quarters, we will forthwith deliver their names to you; otherwise we conceive your Lordships cannot but give credit to that we have said, and shewed to you; all which, we hope hath cleerly satisfied your Lordships, that the Cessation with the Rebels was neither unjust, or unlawfull, and that you will proceed to satisfie us by what means the Warre may be managed in *Ireland*, with probable hope of the preservation of His Majesties Protestant Subjects there, we being very willing to concurre with your Lordships in any just & honourable way, for the good & settlement of that miserable kingdom.

And together with this last, the Kings Commissioners delivered in this other Paper.

20. *February.*

CLXXII. HAving given your Lordships cleer Reasons, why the Cessation which hath been made in *Ireland*, is not in reason or Justice to be made void, & that the making void thereof (if the same might be done) is not, or cannot be for the benefit or advantage of His Majesties Protestant Subjects in that Kingdom, so long as the unhappy Warrs in this Kingdom continue; To the other part of your Lordships first Paper concerning *Ireland* for the prosecution of the Warre there, to be setled in both Houses of the Parliament of *England*, to be managed by the joynt advice of both Kingdoms, and His Majesty to assist, we say, That it appears by the other Papers delivered to us by your Lordships, as the Articles of the Treaty of the 6. of *Aug.* and the Ordinances of the 11. of *Aprill*, and 9. of *March*, and otherwise, That the intent is, that that Warre shall be managed by a joynt Committee of both Kingdoms, and that the Committee of each Kingdom shall have a Negative voice, and consequently it is very probable that upon difference of Opinion between them, that Warre may stand still, or, to the utter ruine of His Majesties good Subjects there, be absolutely dissolved; For whereas your Lordships say, That in case of such disagreement, the Houses of the Parliament of *England* may prosecute the Warre as they shall think fit, observing the Treaty of the 6. of *Aug.* 1642. and the Ordinance of the 11 of *Aprill*, your Lordships well know, that by that Treaty and that Ordinance, the two Houses of the Parliament of *England* alone cannot prosecute that Warre, that Ordinance of the 11. of *Aprill*, expresly making the Earl of *Leven* the *Scots* Generall, Commander in chief of all Forces in that Kingdom, both *British* and *Scottish*, without any reference unto His Majesty, or His Lieutenant of that Kingdom, and directing that the Warre shall be managed

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ged by the Committee of both Kingdoms, without any other reference to the two Houſes of the Parliament of *England*; and therefore we cannot conſent that ſuch an Act of Parliament be paſſed for the confirmation of that Treaty, or the Ordinance of the 11. of *Aprill*, as your Lordſhips propoſe, by reaſon that thereby all His Majeſties authority would be wholy taken away in that Kingdom; And in truth that whole Kingdom be thereby delivered into the hands of His Majeſties Subjects of *Scotland*, which we conceive is neither juſt prudent, or honourable to be done. And we are of opinion, that it is not agreeable to His Majeſties honour, or the Juſtice and Protection which He owes to His Subjects of His Kingdom of *Ireland*, to put the nomination of His Lieutenant, and Judges of that Kingdom out of Himſelfe, and to commit the whole power of that Kingdom to others, and to binde Himſelf to paſſe all ſuch Acts of Parliament, as any time hereafter ſhall be preſented to Him, for raiſing of Moneys, and other things neceſſary for the proſecution of the Warre in that Kingdom, which your Lordſhips ſay in your paper the 9. of this inſtant, you intend by thoſe words [*His Majeſty to aſſiſt*,] in your firſt Paper; And we conceive it cannot be expected that His Majeſty ſhould conſent to an Act of Parliament for proſecution of the Warre in *Ireland*, to be managed by the advice of the Houſes of Parliament here, and the Eſtates of the Parliament of *Scotland*, ſo long as the Warre in this Kingdom ſhall continue.

For theſe and many other reaſons, we conceive it doth appear to your Lordſhips, that the Propoſitions, as they are delivered to us by your Lordſhips, are by no means fit to be conſented to; and therefore we deſire your Lordſhips to make other Propoſitions to us, which may be for the preſervation and relief of His Majeſties Proteſtant Subjects there, and for the ſettlement of that King-

dom, in which we shall very readily concurre, and we shall be very willing that the businesse of that Kingdom shall, after a Peace setled in this, be taken into consideration and ordered as His Majesty and both Houses of Parliament here shall think fit.

Their Answers to these two Papers.

Their Paper. 20. February.

CLXXIII WE expected that your Lordships would have been fully satisfied by what we have alleadged against his Majesties power, to make the Cessation with the Rebels in *Ireland*, & we cannot find those importāt reasons, which your Lordships mentioned to have induced His Majesty so to do, or that thereby His Majesties Protestant Subjects there have been preserved, or subsisted; but we have made it evident, that this Cessation tended to the utter destruction of the Protestants in that Kingdom, as we conceived was designed by those who advised His Majesty thereunto, and we observe your Lordships urge, that this Cessation was the onely means for the subsistance of the Protestants there, when it cannot be denyed, but that very many of the Protestants in *Vlster*, *Munster*, and *Connaught*, have yet subsisted, although they have refused to submit to the Cessation & opposed the same, as the means intended for their ruine, and we do affirm unto your Lordships, that the two Houses of Parliament have been so far from failing to supply His Majesties good Subjects in that Kingdom, that although His Majesties Forces have as much as lay in their power, endeavoured to prevent the same, and have taken to themselves that which was provided for those whom your Lordships mention to have been in so great want and extremitie, yet the two Houses not discouraged thereby, have constantly sent great proportions of all necessary supplyes unto the Protestants there, whereby they

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they have subsisted, and have very lately sent thither, and have already provided to be speedily send after in Money, Victuals, Clothes, Ammunition and other necessaries, to the value of sevenscore thousand pounds: And they have not desired any other provision from His Majestie, but what He was well able to afford herein, only His assistance and consent in joyning with His two Houses of Parlament, for the better enabling them in the prosecution of that Warre; and we are so far from apprehending any impossibilitie of reducing that Kingdom, during the vnhappy Distractions here, that although many of the Forces provided by the two Houses for that end, were diverted and imployed against the Parliament, to the increasing of our distractions, yet the Protestants in *Ireland* have subsisted and do still subsist, and we have just cause to beleeve, that if this Cessation had not been obtained by the Rebels, (and that in the time of their greatest wants) and that these Forces had not been withdrawn, they might in probabilitie have subdued those bloody Rebels, and finished the War in that Kingdom. For the pretended necessities offered, as grounds of this Cessation, We have already given your Lordships (we hope) cleer information: For the persons whose advice His Majesty followed therein, your Lordships have not thought fit to make them known unto us, and we cannot conceive their interest in that Kingdom to be of such consideration as is by your Lordships supposed; But we know very well, that many persons of all sorts have forsaken that Kingdom, rather then they would submit unto this Cessation, and great numbers of considerable persons and other Protestants yet remaining there, have opposed, and still do oppose that Cessation, as the visible means of their destruction. The two Houses sent their Commitees into *Ireland*, for the better supplying and encouraging of the Armies there, and to take an account of the State of the Warre to be represented hither,

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hither, that what should be found defective might be sup-
plied. What Warrants they issued we are ignorant of, but
are well assured that what they did was in pursuance of
their duty, and for advancement of the publique service
and suppressing of that horrid Rebellion; and we cannot
but still affirm they were discountenanced and command-
ed from the Councell there, where the prosecution of
that Warre was to be managed, and that it was Declared
from His Majesty, that He disaproved of the subscription
of the Officers of the Army by means whereof that course
was diverted.

Concerning the Moneys raised for *Ireland*, we have in
our former Papers given your Lordships a full and just
Answer, and we are sorry the same cannot receive credit;
those Moneys raised upon charitable collections, we do
positively affirm were onely imployed to those ends for
which they were given, and we cannot but wonder the
contrary should be suggested; we are confident the Com-
mission desired by the two Houses for the Lord *Wharton*
(and which your Lordships acknowledge was denyed)
was onely such as they conceived most necessary for ad-
vancement of that Service, and the deniall thereof proved
very prejudiciall thereunto; And we must again inform
your Lordships, that it was well known at the time when
the goods were seised by His Majesties Forces (as your
Lordships alleadge neer *Coventrey*) that the same were then
carrying for the supply of the Protestants in *Ireland*, and
some other provisions, made and sent for the same pur-
pose, were likewise seised and taken away by some of His
Majesties Forces, as we have been credibly informed, not
without His Majesties own knowledge and direction; your
Lordships may beleeve that those who signed the Letters,
mentioned in your Papers, have done nothing, but what
they may well justifie, and if the same be well done, they
need not fear to give an Accompt thereof, nor your Lord-
ships

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ships to suppose that if they come within our Quarters, they shall be otherwise dealt withall then shall be agreeable to Justice. Upon the whole matter, notwithstanding the allegations, pretences, and Excuses, offered by your Lordships, for the Cessation made with the Rebels in *Ireland*, we are cleerly satisfied, that the same was altogether unjust, unlawfull, and destructive to His Majesties good Subjects, and of advantage to none but the Popish bloody Rebels in that Kingdom; And therefore we still earnestly insist, as we conceive our selves in Conscience and duty obliged upon our former demands concerning *Ireland*, which we conceive most just and honourable for His Majestie to consent unto. We know no other wayes to propound more probable for the reducing of the Rebels there, but these being granted, we shall cheerfully proceed in the managing of that Warre, and doubt not, by Gods blessing, we shall speedily settle that Kingdom in their due Obedience to His Majesty.

Their other Paper, 20. Feb.

CLXX IV.

WE cannot understand how out of any of the Papers, Articles, & Ordinances delivered by us unto your Lordships, there should be a ground for your opinion, that upon any differences between the Committees or Commanders, imployed about the Warre of *Ireland*, the Warre should stand still or be dissolved; nor do we find that the Ordinance of the 11. of *Aprill* can produce any inconvenience, as your Lordships do imagine; nor doth the making of the Earl of *Leven* Commander in chief of the *Scottish* and *Brittish* Forces, & the setling of the prosecution of the Warre of *Ireland*, in the two Houses of the Parliament of *England*, to be managed by the joynt advice of both Kingdoms, take away the Relation to His Majesties authority, or of the two Houses of Parliament, or of the Lord Lieutenant of *Ireland*; For in the first place,

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His Majesties consent is humbly desired; and the whole power is derived from him, onely the execution of it is put into such a way, and the Generall is to carry on the Warre, according to the Orders he shall receive from the Committee of both Kingdoms, and in case of disagreement in the Committee, the two Houses of Parliament are to prosecute that Warre as is expressed in our Answer to your Lordships second Paper of the 19 of *February*. And when there shall be a Lieutenant of *Ireland*, and that he shall joyn with the Commander in chief of the *Scottish* Army, the said Commander is to receive Instructions from him, according to the Orders of the Commissioners of both Kingdoms, as we have said in our Answer to your Lordships second Paper of this day; nor doth the naming of the Earl of *Leven* to be Generall, any more take away the power of the two Houses, then if he were a Native of this Kingdom, or is there any part of the Kingdom of *Ireland* delivered over into the hands of His Majesties Subjects of the Kingdom of *Scotland*, who do onely joyn with their Councels and Forces, for carrying on the Warre, and reducing that Kingdom to His Majesties obedience; And we conceive it most conducing for the good of His Majesties Service, and of that Kingdom, that the Lieutenant and Judges there, should be nominated by the two Houses of Parliament, as is expressed in the 20. Proposition, who will recommend none to be imployed by his Majesty, in places of so great trust, but such, whose known abilitie and integritie shall make them worthy of them, which must needs be best known to a Parliament; Nor are they to have any greater power conferred upon them, by the granting this Proposition, then they have had who did formerly execute those places; And we know no reason, why your Lordships should make difficulty of His Majesties consenting to such Acts, as shall be presented unto Him, for raising Moneys, and other necessaries from the

Subject,

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Subject, which is without any charge to Himself, for no other end, but the setling of the true Protestant *Religion* in that Kingdom, and reducing it to His Majesties Obedience, for which we hold nothing too deat, that can be imployed by us. And we cannot but wonder that your Lordships should make the prosecution of the Warre of *Ireland*, which is but to execute Justice upon those bloody Rebels, who have broken all Laws of God and Man, their Faith, their Allegiance, all Bonds of Charitie, all Rules of Humanitie, and Humane Societie, who have Butchered so many thousands of Innocent Christians, Men, Woemen, and Children, whose blood cries up to Heaven for Vengeance, so many of His Majesties Subjects, whose lives He is bound to require at their hands that spilt them, and to do Justice upon them, to put away innocent blood from Himself, His posterity, the whole Land, these execrable Antichristian Rebels, who have made a Covenant with Hell, to destroy the Gospell of Christ, and have taken up Arms to destroy the Protestant *Religion*, to set up Popery, to rend away one of His Majesties Kingdoms, and deliver it up into the hands of Strangers, for which they have negotiations with *Spain* and other States; a Warre which must prevent so much mischief, do so much good, offer up such an acceptable sacrifice to the great and just God of Heaven, who groans under so much wickednesse to lye so long unpunished; A Warre which must reduce that Kingdom unto His Majesties obedience, the most glorious work that this Kingdom can undertake; That the prosecution of such a Warre, your Lordships should make to depend upon any other condition; that the distractions of these Kingdoms should be laid as an impediment unto it, and that there should be any thought, any thing which should give those Rebels hope of impunity, if our miseries continue; whereas according to Christian reason, and the ordinary course of Gods providence, nothing can be more

1642 probable to continue our miſeries; then the leaſt connivance in this kind; what can be ſaid or imagined ſhould be any inducement to it, we hope not to make uſe of their help and aſſiſtance, to ſtrengthen any party here, to bring over ſuch Actors of barbarous cruelties, to exerciſe the ſame in theſe Kingdoms; we deſire your Lordſhips to conſider theſe things, and that nothing may remain with you, which may hinder His Majeſtie from giving His conſent to all good means for the reducing of *Ireland*, according to what is deſired by us in our Propoſitions.

The King's Commiſſioners Reply to the two laſt Papers.

The King's Commiſſioners Paper, 20. February.

CLXXV. WE are very ſory that our Anſwers formerly given to your Lordſhips, in the buſineſſe of the Ceſſation, which was ſo neceſſary to be made, and being made to be kept, hath not given your Lordſhips ſatisfaction; and that your Lordſhips, have not rather thought fit to make the reaſonableneſſe of your Propoſitions concerning *Ireland* appear to us, or to make ſuch as might be reaſonable in the ſtead, then by charging His Majeſtie with many particulars, which highly reflect upon His honour, to compell us to mention many things, in Anſwer to your Lordſhips Allegations, which otherwiſe in a time of Treaty, when we would rather endeavour to prevent future inconveniences, then to inſiſt on paſt miſtakes, we deſired, to have omitted; And we can no wayes admit, that when the Ceſſation was made in *Ireland*, His Majeſties Proteſtant Subjects there, could have ſubſiſted without that Ceſſation, nor that the Warre can be maintained and proſecuted to the ſubduing the Rebells there, ſo long as the

Warre

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Warre continues in this Kingdom, which are the chief grounds laid for the assertions in your Lordships first Paper delivered this day, concerning the businesse of *Ireland*; neither can we conceive, that your Lordships have alledged any thing that could in the least degree satisfie us, that His Majesty had no power to make that Cessation, or had no reason so to do, considering (as we have formerly said, and do again insist upon it) that by that Cessation, (which was not made till long after this Kingdom was embroyled in a miserable Warre) the poor Protestants there, (who for want of supplies from hence were ready to famish and be destroyed) were preserved, and that Kingdom kept from utter ruine, (so far was it from being a designe for their destruction, or for the advantage of the Popish bloody Rebels, as is insinuated;) for it appears by the Letters of the Lords Justices of *Ireland*, Sir *William Parsons*, and Sir *John Borlase*, and of the Councell there, of the 4. of Aprill, 1643. before that Cessation made, directed to the Speaker of the House of Commons, a Copy whereof we delivered to your Lordships, though we presume you may have the originall; *That His Majesties Army and good Subjects there, were in danger to be devoured for want of needfull supplyes forth of* England; *and that His Majesties Forces were of necessity sent abroad, to trie what might be done for sustaining them in the Countrey, to keep them alive vntill supplies should get to them; but that designe failing, those their hopes were converted into astonishment, to behold the miseries of the Officers and Souldiers for want of all things, and all those wants made unsupportable in the want of food; and divers Commanders and Officers declaring they had little hope to be supplied by the Parliament, pressed with so great importunity, to be permitted to depart the Kingdom, as that it would be extream difficult to keep them there.* And in another part of that Letter (for we shall not grieve you with mention of all their complaints) they expressed, That they were expelling

thence all ſtrangers, & muſt inſtantly ſend away for *England* thouſands of poor deſpoyled Engliſh, whoſe very eating was then inſupportable to that place; that their confuſions would not admit the writing of many more Letters, if any; (*for they had written divers others expreſſing their great neceſſities.*) And to the end His Majeſty and the Engliſh Nation, might not irrecoverably, and unavoidably ſuffer, they did deſire that then (though it were almoſt at the point to be too late) ſupplies of Victuals and Ammunition in preſent, might be haſtned thither to keep life, untill the reſt might follow, there being no Victuall in the ſtore, nor a hundred Barrels of Powder (*a ſmall proportion to defend a Kingdom*) left in the ſtore, when the out Garriſons (as they were to be inſtantly) were ſupplied, and that remainder, according to the uſuall neceſſary expence, beſides extraordinary accidents, would not laſt above a Moneth. *And in that Letter they ſent a Paper ſigned by ſundry Officers of the Army, delivered to them as they were ready to ſigne that diſpatch, and by them apprehended to threaten imminent danger, which mentioned,* That they were brought to that great exigence, that they were ready to rob and ſpoyle one another, that their wants began to make them deſperate; That if the Lords Juſtices and Councell there, did not find a ſpeedy way for their preſervation, they did deſire that they might have leave to go away; That if that were not granted, they muſt have recourſe to the Law of Nature, which teacheth all men to preſerve themſelves.

And by a Letter of the eleventh of May *following (a Copy whereof we have alſo delivered to your Lordſhips) the Lords Juſtices, and Councell there, did advertiſe his Majeſty,* That they had no Victuall, Clothes, or other proviſions, (no Money to provide them of any thing they want) no Arms, nor above 40. Barrels of Powder, no ſtrength of ſerviceable Horſe, no viſible means by Sea or Land, of being able to preſerve

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preserve that Kingdom, and that though the Winds had in many dayes, and often formerly stood very fair for accessions of supplies forth of *England*, (the two Houses having then, and ever since the full Command of those Seas) yet to their unexpressible grief, after full six moneths waiting, and much longer patience, and long suffering, they found their expectations answered in an inconsiderable quantity of provisions, *viz.* 75 Barrels of Butter, and 14. Tunne of Cheese, being but the fourth part of a small Vessels loading, which was sent from *London*, and arrived there on the fifth of *May*, which was not above 7, or 8. dayes provisions for that part of the Armie, in and about *Dublin*; No Money or Victuals (other then that inconsiderable proportion of Victuals) having arrived there as sent from the Parliament of *England*, or from any other forth of *England*, for the use of the Army since the beginning of *Nov.* before. *And besides these whereof we have Copies to your Lordships, it was represented to His Majestie by Petition from that Kingdom*, That all means by which comfort and life should be conveyed to that gasping Kingdom seemed to be totally obstructed, and that unlesse timely relief were afforded. His Loyall Subjects there must yeeld their fortunes for a prey, their lives for a sacrifice, and their Religion for a scorn to the mercilesse Rebels. Upon all which deplorable passages, represented by persons principally interessed in the managing of the affairs of that Kingdom, and the Warre there, in which number were Sir *William Parsons*, Sir *Iohn Temple*, Sir *Adam Loftus*, and Sir *Robert Meredeth*, persons of great estimation with your Lordships; to which we could adde many other advices, and Letters from severall men of repute and quality, but that we will not trouble your Lordships with repetition of private advices, we cannot think but your Lordships are now satisfied, that the necessities of that Kingdom, which were the ground of the Cessation there,

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there were reall, and not pretended; and therefore the excuſes we leave them, to them who ſtands in need of them; and we deſire your Lordſhips, to conſider as the diſtracted condition of this Kingdom was, what other way could be imagined for the preſervation of that Kingdom, then by giving way to that Ceſſation, and though it is inſiſted on in your Lordſhips Paper, that ſome Proteſtants in *Vlſter*, *Munſter*, and *Connaught* (who have refuſed to ſubmit to that Ceſſation) have yet ſubſiſted, yet your Lordſhips well know, theſe were generally of the Scottiſh Nation, who had ſtrong Garriſons provided, and appointed to them, and were in theſe parts of *Ireland* neer the Kingdom of *Scotland*, whence more ready ſupplies of Victuals might be had, then the *Engliſh* could have from *England*, and for whoſe ſupply (as His Majeſty hath been credibly informed, and we beleeve that your Lordſhips know it to be true) ſpeciall care was taken, when the *Engliſh* Forces and other *Engliſh* Proteſtant Subjects there, were neglected, whereby they were expoſed to apparent deſtruction, by Sword and Famine; and we cannot but wonder at the aſſertion, that His Majeſties Forces have as much as lay in them endeavoured to prevent thoſe ſupplies for *Ireland*, and at the mention of the intercepting thoſe proviſions neer *Coventrey*, with His Majeſties own knowledge and direction, whereas, as we have formerly aquainted your Lordſhips, it was not known to His Majeſtie that thoſe proviſions which were taken neer *Coventrey*, going thither, when His Majeſties Forces were before it, were intended for *Ireland*, till after the ſeiſure thereof, when it was impoſſible to recover them from the Souldiers, which might have been prevented, if a ſafe Conduct had been deſired through His Majeſties Quarters, which we are aſſured He would have readily granted, for thoſe or any other ſupplies for that Kingdom, but was never asked of Him; and as there is no particular inſtance

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...ther Provisions for *Ireland* intercepted by His Ma... Forces, but those neer *Coventrey*, which were con... able, so we can assure your Lordships that when His ...esty was in the greatest wants of all Provisions, and ...t have readily made use of some provided for *Ireland*, ... in Magazines within His Quarters, yet he gave ex... order for the sending them away, which was done ...dingly, and would have supplied them further out ...is own store, if he had bin able; & no man can be unsa... of His Majesties tender sence, of the miseries of ... Protestant Subjects in *Ireland*, when they shall remem... how readily He gave His Royall assent to any Pro... sion or Acts for raising of Men, Moneys, and Arms ... them, that he offered to passe over in Person for their ...f, (which His Majesties Subjects of *Scotland* ap...ved, and declared it to be an Argument of care in His ...esty,) and if that had proceeded, it might in possi... have quenched the flames of that unhappy Rebel... as long before it might probably have been prevented, ... Army of *Irish* Natives there had been suffered to ...e been transported out of that Kingdom, as was di... ...ed by His Majestie.

What Provisions are lately sent, or are now sending ... *Ireland* from the two Houses, we know not; But His ...esty hath been informed, that even those provisions are ...igned in pursuance of the late Treaty concerning *Ire*..., made with His Subjects of *Scotland*, without His Ma... ...ies consent, and onely for such, who have declared ...mselves against His Majesties Ministers, and in oppo... ...on to that Cessation to which many of them had for... ...ly consented, though they have since, upon private ...terest, and the incouragement and solicitations of others ...pposed the same; & therefore His Majesty cannot look up... those Supplies, as a support for the Warre against the ...*sh* Rebels, or as a repayment of those Moneys which be...

ing raised by Acts of Parliament for that Warre, have been formerly diverted to other uses, of which Money 100000 l. at one time was issued out for the payment of the Forces under the Earl of *Essex*.

And as to diverting the Forces provided for the reducing of *Ireland*, though we conceiv'd it ought not to be objected to His Majesty, considering the Forces under the Command of the Lord *Wharton*, raised for *Ireland* have been formerly diverted and imployed against him, in the war here in *England*, yet it is evident they were not brought over, till after the Cessation, when they could no longer subsist there; And that there was no present use for them, and before those Forces brought over, there was an attempt to bring the *Scottish* Forces in *Ireland*, as likewise divers of the *English* Officers there into this Kingdom, and since the Earl of *Leven* their Generall, and divers Scots Forces were actually brought over.

To the Allegations that many Persons of all sorts have forsaken the Kingdom, rather then they would submit to that Cessation, we know of none; But it is manifest, that divers who had left that Kingdom, because they would have been famished if they had continued there, since the Cessation, have returned.

Touching the Committee sent into *Ireland*, we have already answered, they were not discountenanced by His Majestie, in what they lawfully might do, although they went without his Privitie, but conceive your Lordships will not insist, that they should sit with the Privie Councell there, and assume to themselves to advise and interpose as Privie Councellors; And we again deny that Subscriptions of the Officers of the Army was diverted by His Majestie; and it is well known, that some Officers apprehending upon some Speeches that the drift in requiring Subscriptions was to engage the Army against His Majesty, in detestation thereof upon those Speeches, rent the Book of Subscription in peeces.

For

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For the diversion of the Moneys raised for that Warre, if they had been since repayed, (the contrary whereof is credibly informed to His Majestie,) yet that present diversion might be, and we believe was a great means of the future wants of that Kingdom which induced the Cessation. As to the Lord *Wharton's* Commission we conceive we have already fully satisfied your Lordships the just reasons thereof.

For the Letters, whereof your Lordships had Copies, we conceive that you being thereby satisfied of the Contents, and that they came from the Lords Justices and Councell there, your Lordships need not doubt of the truth of the matter; And for the names of the single persons subscribing, we cannot conceive it is desired for any other purpose, then to be made use of against such of them as should come into your Quarters, you having not granted, though desired, that it shall not turn to their prejudice, if we should give in their Names.

Upon what hath been said, it appears, That His Majesties *English* Protestant Subjects in *Ireland* could not subsist without a Cessation; And that the Warre there cannot be maintained or prosecuted to the subduing of the Rebels there, during the continuance of this unnaturall Warre here, it is evident to any man, that shall consider, that this Kingdom labouring in a Warre which imployes all the Force and Welth at home, cannot, nor will spare considerable Supplies to send abroad; or if it could, yet whiles there are mutuall Jâlousies, that there cannot be that concurrence in joynt advices betwixt the King and the two Houses as will be necessary, if that Warre be prosecuted; And that His Majesty cannot condescend, or your Lordships in reason expect His Majesty should, by His consent to Acts of Parliament, for the managing of that Warre, and raising moneys to that purpose, put so great a power into their hands, who, during these Troubles, may if

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they will turn that power against Him; And it is apparent that the continuance of the Warre here must inevitably cause the continuance of the miseries there, and endanger the rending of that Kingdom from this Crown.

The King's Commissioners other Paper, 10. February.

CLXXVI. WE do very much wonder that it doth not clearly appear to your Lordships, that upon any difference between the Committees of both Kingdoms, in the managing the Warre of *Ireland*, (in the manner proposed by your Lordships) the Warre there must stand still, or be dissolved, for if the Ordinance of the 11. of *April*, be by His Majesties Royall assent made an Act of Parliament, (as your Lordships desire) all the Forces of that Kingdom, both *Brittish* and *Scottish*, are put under the absolute Command of the Earl of *Leven* the *Scottish* Generall, and the managing the War committed wholly to the Committee of both Kingdoms, without any reference to the two Houses of the Parliament of *England*, by themselves, so that whatsoever your Lordships say of your intentions, that the two Houses of Parliament here, shall upon such difference manage the Warre, (which yet you say must be observing the Treaty of the 6. of *Aug.* and the said Ordinance of the 11. of *April*,) it is very evident if that Ordinance should be made a Law, the Warre must stand still, or be dissolved upon difference of opinion between the Committee of both Kingdoms, or else the Earl of *Leven* must carry on that Warre according to his discretion, for he is in no degree bound to observe the Orders or Directions of the Houses of Parliament in *England* by themselves, neither doth the asking His Majesties consent at all, alter the case from what we stated it to your Lordships, in our Paper of the 20. of this instant, for we said then, and we say still, That if His Majesty should consent to what

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that you propose, He would devest Himself of all His Royall Power in that Kingdom, and reserve no Power or Authority in Himself over that Warre, which is most necessary for his Kingly Office to do; For your Lordships expression *when there shall be a Leiutenant of Ireland*, we presume your Lordships cannot but be informed, that His Majesty hath made, and we doubt not but you acknowledge He hath power to make the L. Marquesse of *Ormond* His Leiutenant of that Kingdom, and who is very well able to manage and carry on that War, in such manner as shall be thought necessary; for the good of that Kingdom and there is no question, but that the naming the Earl of *Leven* to be Generall to receive Orders onely from the joynt Committee of both Kingdoms, doth more take away the power of the two Houses here, then if he were a Native of this Kingdom, and to obey the Orders of the two Houses. And we conceive it evident, that the giving the absolute Command of all Forces both *British* and *Scottish* to the Earl of *Leven*, Generall of the *Scottish* Forces, who is to manage the Warre according to the Directions of the joynt Committee of both Kingdoms, doth not amount to lesse, then to deliver the whole Kingdom of *Ireland* over into the hands of His Majesties Subjects of the Kingdom of *Scotland*, and therefore we must ask your Lordships pardon, to beleeve our selves obliged in prudence, honour, and Conscience, very much to insist on that Consideration, and very earnestly to recommend the same to your Lordships; And we conceive it most conducing to the good of His Majesties Service, and of that Kingdom, that the Leiutenant and Judges there be nominated (as they have alwayes been) by His Majesty, who will be sure to imploy none in places of so great Trust, but such whose known abilitie and integrity shall make them worthy, and if at any time he shall find himself deceived

by those he shall choose, can best make them examples of His Justice, as they have been of His Grace and Favour; And we beseech your Lordships to consider how impossible it is for His Majesty to receive that measure of duty, reverence, and application, which is due to Him, and His Royall Progenitors have alwayes enjoyed, if it be not in His own immediate power to reward those, whom He shall by experience discern worthy of publike trust and employment. We have made no difficulty to your Lordships, of His Majesties consenting to Acts for the raising of moneys, and other necessaries for the setling of the true Protestant Religion in that Kingdom, onely we think it unreasonable, that His Majesty should engage Himself (as is proposed) to passe all such Acts as shall be presented to Him, before He know whether such Acts are reasonable or no, and whether those (*other necessaries*) may not comprehend, what in truth is not onely unnecessary, but very inconvenient, neither will the Argument that the moneys are to be raised from His Subjects, without any charge to Himself, seem reasonable to His Majesty, His Majesty considering His own charge much lesse then the damage and prejudice which may thereby befall His good Subjects, the preserving them from which is His Majesties most solicitous and earnest desire; And we cannot but wonder, that your Lordships should conceive any expressions made by us, concerning the prosecution of that War of *Ireland*, to be unagreeable to the zeale of persons abundantly sensible of the Blood & horrour of that Rebellion, we agree with you, they have broken the Laws of God and Man, their Faith, their Allegiance, the bonds of Charity, rules of Humanity, and humane Society, and we heartily wish that it were in His Majesties power to do Justice upon, and make up those breaches of all those rules and bonds, and to that purpose we have desired to be satisfied

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by your Lordships, what probable course may be taken, for the remedying those mischiefs, and preserving the remainder of His Majesties good Protestant Subjects; but without doubt the prosecution of that Warre so much depends upon the condition and distractions of His Majesties other Kingdoms, that the information your Lordships gives us, of the negotiation with *Spain*, and other States, for delivering up that Kingdom from His Majesties obedience, into the hands of Strangers, deserves the most strict consideration, how His Majesties two other Kingdoms can be applyed to the relief of the third, whilst these distractions are in their own Bowels, and the continuance of the miseries in the two, must render those in the third remediless, if it be not preserved by some other means, then the prosecution of the Warre; neither can it be foreseen or determined, what help or assistance either party may make use of, where it finds it self oppressed, and overpowred by the other, especially when it calls in any help, and leaves no means unattempted to destroy the other. And we beseech your Lordships, in the bowels of Christian Charity and compassion, and in the name of him who is the Prince of Peace, and who will make an inquisition for blood, to consider, whether all our endeavours, ought not to be, to stop these bloody issues in all His Majesties Dominions; and whether the just God of Heaven, who for our sinnes, hath made the severall Nations under His Majesties Government, to be Scourges of one another, and of His Majestie Himself, under whose Obedience they should all live, can be delighted with the sacrifice of blood, and the blood of Christians; and whether it would not be more agreeable to our Christian profession, to endeavour the binding up of those wounds, which interests, passion, and animosity have made. We desire your Lordships to consider these things, and to make such Propositions to us concerning *Ireland* (since it is apparent, that those already made

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made by you, are by no means fit to be consented to) as may be for the growth and propogation of the true Protestant Religion, the Peace and happinesse of that Kingdom, and the welfare of all His Majesties Dominions.

The last of the six dayes concerning *Ireland* being now spent, being the last of the 18, appointed to Treat upon *Religion*, *Militia*, and *Ireland*, by three dayes a peece, *Alternis vicibus*, according to the order formerly proposed, the two remaining dayes were imployed for the most part concerning *Religion*, but towards the end of these two dayes, being the last of the Treaty (about 12. of the clock at night) they delivered in these two following Papers concerning *Ireland*, in Answer to the two last Papers.

Their Paper, 22. *Feb.*

CLXXVII. WE are very sorry, that your Lordships should continue in that opinion, That it was necessary to make the Cessation in *Ireland*, when by undeniable proofs, and consideration of all circumstances, it is most cleer, that the necessities alleadged for grounds of that Cessation, were made by designe of the Popish & Prelaticall party in *England* and *Ireland*, who so wickedly contrived the same, that the provisions sent thither by the Parliament, for relief of His Majesties good Subjects in *Ireland*, were disposed of, and afforded to the Rebels there in their greatest wants; and then when your Lordships affirm the Protestants to be in so great extremity, and even at that time also, when the Officers of our Army and Garrisons, pressing for leave to march into the Enemies Countrey, to live upon them, and save their own stores, some who were driven forth, had great quantities of provisions out with them, yet were not permitted to march into the Enemies Countrey, but kept neer *Dublin*, untill their provisions were spent, and then

commanded back again; others could not obtain leave to go forth, but were commanded to ſtay at home, that their own proviſions might be the ſooner conſumed, and thereby the neceſſitie made greater. Notwithſtanding by the care of both Houſes of Parliament here for their ſupply, they were able to ſubſiſt, and did ſubſiſt at the time of that Ceſſation, although the making thereof reduced them to farre greater neceſſities then otherwiſe they could have ſuffered, beſides the notorious advantage thereby to the Rebels, when their wants and extremities were moſt preſſing. And we ſhould not again have troubled your Lordſhips with theſe Anſwers, had they not been cauſed by your own repetition of the Letters, of part whereof you have given us Copies, though not the knowledge of the Perſons from whom they came, onely you were pleaſed to mention the Lords Juſtices, and Councell there, yet we are aſſured, even by ſome who were of the Councell at that time when the Letters were written, that the ſame was done onely to preſſe for Supplies from hence, without the leaſt intention in them, of inducing a Ceſſation, neither do the Coppies contain any thing tending to a Ceſſation, or the leaſt mention thereof; And we have cauſe to grieve, not onely at what your Lordſhips expreſſe concerning the complaints from *Ireland*, and their great extremities, but that the ſame being procured and increaſed by the Popiſh Party, yet we ſhould find ſuch earneſt endeavours to lay the blame and neglect therein upon the two Houſes of Parliament here who have been ſo zealous for their relief, and whoſe onely care (under the bleſſing of God) hath been their preſervation, and that in the heat of our own miſerable Diſtractions have continued their Supplies, and from our own great wants have not ſpared to afford our Brethren there the means of their ſubſiſtance.

The Proteſtants in *Munſter*, *Connaught* and *Vlſter*, who

opposed this Cessation, were many of them *English*, and both they and the *Scots* suffering under as great wants and failer of Supplies, as the Protestants in other places, and in no better posture of their own defence; Notwithstanding in a true sense of their own duty and Conscience, they have opposed & still do oppose the same, neither were the *English* there neglected as your Lordships have been misinformed, by such who labour to destroy both Nations, and as a means thereto to divide them.

Besides the goods seized neer *Coventry*, we have mentioned other particulars asserted to be seized, not without His Majesties own knowledge & direction, as we are informed, and are most unwilling to beleeve; Neither do we understand it to be an excuse for seizing some goods, to say that His Majesty did forbear to seize others in His Power, but when His Majesty shall rightly ponder the horridness of that Rebellion, we hope those wicked Instruments who contrived, and do support the same, will have no power to alter His Majesties tender sense of the miseries of His Protestant Subjects in that Kingdom, nor at all to lessen His Piety and gracious Care for quenching the flames of that unhappy Rebellion.

We do again affirm unto your Lordships the truth of what we said before concerning the supplies of *Ireland* by the two Houses; and it seems strange that what hath been lately sent, should not be looked upon as a support of the Warre against the Rebels, by which onely the Protestants were inabled to defend themselves, and to infest their Enemies; Nor can we imagine any other means as a support of that just Warre, being most assured, that if this had not been done, the Rebels must certainly have prevailed and the remnant of His Majesties good Subjects of that Kingdom have perished.

Your Lordships are pleased to remember some Moneys by us imployed, particularly one hundred Thousand

pounds,

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pounds, which was raiſed for *Ireland*, all which have been reſatisfied with advantage; And we muſt as often as you are pleaſed to repeat it, refer your Lordſhips to our former juſt and cleer Anſwers concerning the ſame, and the like for the Forces under the Command of the Lord *Wharton*; And we beleeve what your Lordſhips expreſſe, concerning the Forces brought hither to His Majeſty out of *Ireland*, after the Ceſſation, it being one end for which the Ceſſation was made, that thoſe Forces might be imployed againſt the two Houſes of Parliament here; And thoſe *Scottiſh* Forces which came over, were not ſent for.

We know of no Perſons who have returned into *Ireland* ſince the Ceſſation, except ſuch as were Agents for the procuring thereof, and divers principall Rebels who preſumed to addreſſe themſelves unto His Majeſty at *Oxford*, and were there countenanced.

It is probable, that ſome might endeavour to alienate the hearts of the Officers of the Army there from the two Houſes, whereby their Service againſt the Rebels might be interrupted.

To that particular of the Subſcriptions of the Officers, and of the Committee ſent into *Ireland*, and of the diverſions of Moneys alleadged, and of the Copies of Letters given us by your Lordſhips, without the names of thoſe who ſubſcribed them; We have already given your Lordſhips a full and cleer Anſwer, but have not received ſatisfaction concerning the denyall of the Lord *Whartons* Commiſſion, whereby the Service of that Kingdom was much prejudiced.

It is ſo farre from being made appear, that His Majeſties Engliſh Proteſtant Subjects in *Ireland*, could not ſubſiſt without a Ceſſation, that the contrary is undeniable, and that His Majeſties Proteſtant Subjects there, both *Engliſh* and *Scottiſh*, who have oppoſed that Ceſſation, have ſubſiſted

sisted and do still subsist; And we are sorry to find any inclination to continue that Cessation, which whensoever made, will be esteemed by all good Protestants a countenancing of that bloody Rebellion.

We do insist upon our former Demands concerning *Ireland*, and doubt not but those being granted, notwithstanding our present miserable Distractions here, we shall (by the blessing of God) bring those bloody Rebels to a speedy and just punishment, and settle that unhappy Kingdom in their due Obedience to His Majestie, and the Crown of *England*.

Their other Paper, 22. Feb.

CLXXVIII. IT is not possible for us to give a more cleer Answer then we have done, to shew that there can no such inconvenience follow, upon confirming the Ordinance of the 11. of *April*, by Act of Parliament, as your Lordships do imagine; It being desired that the Treaty of the sixt of *August*, be in like manner confirmed; By which the Commanders of the *Scottish* Forces in *Ireland*, are to be answerable to His Majesty and the two Houses of Parliament of *England*, for their whole deportment and proceeding there; and it being desired by the 13. Proposition, that the prosecutions of the War of *Ireland*, should be setled in both Houses of Parliament; all which taken together, it cannot follow, that upon any disagreement between the Committees there, the Earl of *Leven* may carry on the War according to his own discretion; as for our expression (when there shall be a Lieutenant in *Ireland*) which was used in answer to your Lordships second Paper of the 20. of *February*, it was to satisfie your Lordships, that there could be no interfering between the powers of the Lord Lieutenant, and of the Earl of *Leven*, and still we say, when there shall be a Lord Lieutenant chosen as is expressed in our twentieth Proposition, (for we do not admit the Marquesse

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queſſe of *Ormond* to be ſo) the Commander in chief of the *Scottiſh* Army, is to receive Inſtructions from him in ſuch manner as we have laid it down, in that Anſwer of ours to your Lordſhips Paper above mentioned, which will, we hope, ſatisfie your Lordſhips other objection, That this is not to deliver over the whole Kingdom of *Ireland* into the hands of His Majeſties Subjects of the Kingdom of *Scotland*, ſeeing ſuch of that Nation as are there imployed, are to be ſubordinate to the Committee of both Kingdoms, and in caſe of diſagreement, an appeal lies to the two Houſes of the Parliament of *England*, in whom the power of proſecuting the Warre is to be ſetled. And we muſt inſiſt to deſire that the Lord Lieutenant, and the Judges in that Kingdom, may be nominated by the two Houſes of Parliament, who have by ſad experience (to the great coſt of this Kingdom, expence of ſo much treaſure and blood, the loſſe of many thouſand lives there, and almoſt of that whole Kingdom from his Majeſties obedience, & an inеſtimable prejudice to the true Proteſtant *Religion*,) found the ill conſequence of a bad choice of perſons for thoſe great places of truſt. Therefore for His Majeſties honour, the good of His Service, the great advantage it will be to the reſt of His Majeſties Dominions, the great comfort to all good Chriſtians, and even an acceptable ſervice to God himſelf, for the attaining of ſo much good, and the prevention of ſo much evill, they deſire to have the nomination of thoſe great Officers, that by a prudent and carefull Election, they may, by providing for the good of that now miſerable Kingdom, diſcharge their duty to God, the King, and their Countrey. And certainly if it be neceſſary to reduce that Kingdom, and that the Parliament of *England* be a faithfull Councell to His Majeſty, and fit to be truſted with the proſecution of that Warre, (which His Majeſtie was once pleaſed to put into their hands, and they faithfully diſcharged their parts

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in it, notwithstanding many practices to obstruct their proceedings, as is set forth in severall Declarations of Parliament) then we say your Lordships need not think it unreasonable that His Majesty should engage Himselfe to passe such Acts as shall be presented to Him for raising moneys, and other necessities for that Warre, for if the Warre be necessary (as never Warre was more) that which is necessary for the maintaining of it must be had, and the Parliament that doth undertake and manage it, must needs know what will be necessary, and the People of *England*, who have trusted them with their Purse, will never begrudge what they make them lay out upon that occasion; Nor need His Majesty fear the Parliament will presse more upon the Subiect then is fit in proportion to the occasion; It is true, that heretofore Persons about His Majesty have endeavoured and prevailed too much, in possessing Him against the Parliament for not giving away the money of the Subject, when His Majesty had desired it. But never yet did His Majesty restrain them from it, and we hope it will not be thought that this is a fit occasion to begin; We are very glad to find that your Lordships are so sensible in your expressions of the blood and horrour of that Rebellion, and it is without all question, in His Majesties Power to do Justice upon it, if your Lordships be willing that the Cessation, and all Treaties with those bloody and unnaturall Rebels be made void, and that the prosecution of the Warre be setled in the two Houses of the Parliament of *England*, to be managed by the joynt advice of both Kingdoms, and the King to assist, and to do no Act to discountenance, or molest them therein; This we dare affirm to be more then a probable course for the remedying those mischiefs, and preserving the remainder of His Majesties good Subjects there. We cannot beleeve your Lordships will think it fit, there can be any agreement of Peace, any respit from

hostility

hostility with such Creatures as are not fit to live, no more then with Wolves or Tygres, or any ravenous Beasts, destroyers of mankind. And, we beseech you, do not think it must depend upon the condition of His Majesties other Kingdoms to revenge or not revenge Gods quarrell upon such perfidious Enemies to the Gospell of Christ, who have imbrued their hands in so much Protestant blood, but consider the Cessation that is made with them, is for their advantage, and rather a Protection then a Cessation of Acts of hostility, as if it had been all of their own contriving; Arms, Ammunition, and all manner of commodities may be brought unto them, and they may furnish themselves, during this Cessation, and be assisted and protected in so doing, that afterwards they may the better destroy the small remainder of His Majesties Protestant Subjects. We beseech your Lordships in the bowels of Christian charity, and compassion to so many poor Souls, who must perish, if the strength of that raging Adversary be not broken, and in the Name of him who is the Prince of Peace, who hates to be at Peace with such shedders of blood, give not your consents to the continuation of this Cessation of Warre in *Ireland*, and lesse to the making of any Peace there, till Justice have been fully executed upon the Actors of that accursed Rebellion. Let not the Judgement of Warre within this Kingdom, which God hath laid upon us for our sins, be encreased by so great a sinne, as any Peace or friendship with them; whatsoever becomes of us, if we must perish, yet let us goe to our graves with that comfort, that we have not made Peace with the Enemies of Christ, yea even Enemies of mankind, declared and unreconciled Enemies to our Religion and Nation; Let not our Warre be a hindrance to that Warre, for we are sure that Peace will be a hindrance to our Peace; We desire Warre there as much as we do Peace here, for both we are willing

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to lay out our Eſtates, our Lives, and all that is deer unto us in this World; and we have made Propoſitions unto your Lordſhips for both, if you were pleaſed to agree unto them; We can but look up to God Almighty, beſeech him to encline your hearts, and caſting our ſelves on him, wait his good time for the return of our Prayers in ſetling a ſafe and happy Peace here, and giving ſucceſſe to our Endeavours in the proſecution of the Warre of *Ireland*.

It had been uſed by the Commiſſioners during the Treaty, that when Papers were delivered in of ſuch length, and ſo late at night that preſent particular anſwers could not be given, by agreement between themſelves, to accept the Anſwers the next day, dated as of the day before, although they were Treating of another Subject; And theſe two laſt Papers concerning *Ireland* being of ſuch great length, and delivered about twelve of the clock at night, when the Treaty in time was expiring, ſo as no anſwer could be given without ſuch conſent and agreement, Therefore the King's Commiſſioners delivered in this Paper.

22. *February*.

CLXXIX. YOur Lordſhips cannot expect a particular anſwer from us this night, to the two long papers concerning *Ireland*, delivered to us by your Lordſhips, about twelve of the clock this night; but ſince there are many particulars in thoſe Papers, to which if they had been before mentioned we could have given your Lordſhips full ſatisfaction. And for that we preſume your Lordſhips are very willing to be ſatisfied in thoſe particulars, which ſo highly reflect upon His Majeſty, we deſire your Lordſhips to receive the anſwers which we ſhall prepare to thoſe Papers, in the evening to morrow, dated as of this night, and

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we doubt not to give your Lordships cleer satisfaction therein.

This desire was not granted, nor any Paper delivered in answer to it, but soon after the Treaty brok off.

During the 20. dayes Treaty, upon *Religion*, *Militia*, and *Ireland*, the particular passages whereof are before expressed, some other passages did occurre, concerning His Majesties Propositions, and particularly for a * *Cessation*, and touching *His Majesties return to Westminster* after disbanding of Armies, and further time for continuing or renewing the Treaty, which do here follow. And first touching His Majesties *Propositions*, the King's Commissioners delivered in this Paper the second day of the Treaty.

* *It is the sixth of His Majesties Propositions.*

1. *February.*

WE desire to know, whether your Lordships have any Instructions concerning His Majesties Propositions, for setling a safe and well grounded Peace; And if you have any touching the same, we desire to have a sight of them. CLXXX

See His Majesties Propositions N°. 8. and the Letter from the Earl of Essex *N°. 9. That their Commissioners should have Instructions to Treat upon them.*

Their Answer. 1. *Feb.*

WE have not yet received Instructions concerning His Majesties Propositions, and shall therefore acquaint the Lords and Commons Assembled in the Parliament of *England*, with the desires expressed in that Paper, who having taken those Instructions into their consideration, before our coming from them, will send them to us in time convenient. CLXXXI

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After upon the third of *February*, His Majesties Commissioners delivered this Paper, concerning His Majesties sixth Proposition for a Cessation of Arms.

3. February.

CLXXXII. WE desire to know, whether your Lordships have received any Instructions concerning that Proposition of His Majesties for a Cessation; and if your Lordships have not received any, that you will endeavour to procure Authoritie to Treat thereupon, which we have power to do, and conceive it very necessary, that during the time we are endeavouring to establish a blessed and happy Peace, the issues of blood may be stopped in this miserable Kingdom, and His Majesties oppressed and languishing Subjects, have some earnest and prospect of the Peace we are endevouring, by Gods blessing, to procure for them.

To this no particular Answer was given.

The King's Commissioners Paper, 10. *Feb.*

CLXXXIII. HAving now spent three dayes severally, upon each of your Lordships three Propositions, concerning *Religion*, the *Militia*, and *Ireland*, we desire to know, whether your Lordships have received any Instructions concerning His Majesties Propositions, that we may prepare our selves to Treat upon them, when your Lordships shall think fit.

Their Answer. 11. *Feb.*

CLXXXIV. WE have received Instructions, concerning His Majesties Propositions; And when the Houses of Parliament shall be satisfied in the good progresse of the Treaty upon their propositions concerning, *Religion*, the *Militia*, and *Ireland*, they will give time for the Treaty upon those Propositions sent by His Majesty.

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But there was not any time given to Treat upon His Majesties Propositions.

Touching further time for continuing, or reviving the Treaty; and His Majesties Return to *Westminster*, after Disbanding, these Papers were delivered.

The King's Commissioners Paper.
14. *Feb.*

WE have this day received directions from His Majesty, to move your Lordships, that you will endeavour to procure an addition of time for this Treaty, after the expiration of the dayes limited for the same, upon the reasons mentioned in His Majesties Letter, which Letter we herewith deliver to your Lordships. CLXXXV.

The Letter mentioned in the last Paper, from His Majesty to His Commissioners, is this.

RIght Trusty, &c. Having received from you a particular accompt of your proceedings in the Treaty, and observing thereby how impossible it is, within the dayes limited, to give such full Answers to the three Propositions you are now upon, as you might, if upon Consideration had of the rest of the Propositions, you could clearly see, what fruit such Answers will produce in order to a blessed Peace, for the present and the future good and happinesse of this Kingdom; We have thought it fit to advise you, That you propose and desire of the Commissioners with whom you Treat, that they will procure such further time to be allowed, after the expiration of the Twenty dayes, as may be sufficient for you, upon a full understanding one of another upon the whole, to make such a Conclusion, that all CLXXXVI.

Our Subjects may reap the Benefit good men pray for. Deliverance from these bloody distractions, and be united in Peace and Charity; And if you think fit, you may communicate this Our Letter to them. And so we bid you heartily farewell.

Given at Our Court at *Oxford* 13. Feb. 1644.

By His MAJESTIES Command,

GEORGE DIGBY.

To Our Right Trusty, &c. the Lords and others Our Commissioners for the Treaty at Uxbridge.

Their Answer 14. *Feb.*

CLXXXVII. CONcerning the Paper delivered by your Lordships for addition of time for the Treaty, We can give no other answer, then that we will send Copies of His Majesties Letter, and of the Paper, unto the Houses of Parliament, and after signification of their pleasure, we will give further Answer.

Afterwards on the 18. of *Feb.* they delivered this Paper,

18. *February.*

CLXXXVIII. YOur Lordships may please to take notice, that in the 20. dayes appointed to Treat upon the Propositions concerning *Religion*, *Militia*, and *Ireland*, the first Thursday, and three Sundayes, are not to be included.

The King's Commissioners Paper. 20. *Feb.*

CLXXXIX. BY our Paper delivered to your Lordships the 14. of this Moneth, we moved your Lordships to endeavour an addition of time for this Treaty, after the expiration of the dayes limited for the same, upon the reasons mentioned in His Majesties Letter, which Letter, we then delivered

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to your Lordſhips; whereunto your Lordſhips then returned Anſwer, That you would ſend Copies of His Majeſties Letter, and of our Paper to the Houſes of Parliament, and after ſignification of their pleaſure, you would give further Anſwer; we now deſire to know whether there may be an addition of time for this Treaty, after the expiration of the dayes limited for the ſame, upon the reaſons mentioned in His Majeſties ſaid Letter, and what time may be added.

Their Anſwer, 20. *Feb.*

CXC. YOur Lordſhips Paper of the 14. of this Moneth, for an addition of time for this Treaty, together with His Majeſties Letter concerning the ſame, were ſent by us to the Houſes of Parliament, who (* as we have already acquainted your Lordſhips) have declared, That if they ſhall be ſatisfied in the good progreſſe of the Treaty upon the Propoſitions, concerning *Religion*, the *Militia*, and *Ireland*, will give time for the Treaty upon the Propoſitions by His Majeſty; but further then this, have not, as yet, ſignified their pleaſures unto us.

* *See their Paper, before* 11. February, *No.* 184.

The King's Commiſſioners Paper, 20. *February.*

CXCI. HAving now ſpent 18. dayes with your Lordſhips, in the Treaty upon *Religion*, the *Militia*, and *Ireland*, and beſides the preſent ſatisfaction we have given your Lordſhips in thoſe particulars, we having offered that further conſideration, and order be taken therein by His Majeſtie, and the two Houſes of Parliament; and your Lordſhips having propoſed many important things in the ſaid ſeverall particulars to be framed, ſetled, and diſpoſed by the two Houſes, before a full Agreement can be eſtabliſhed, we propoſe to your Lordſhips, whether the two dayes remaining may not be beſt ſpent towards the ſatisfying your Lordſhips in thoſe 3. Propoſitions, and the

procuring a speedy blessed Peace, upon finding out some expedient for *His Majesties repair to Westminster*, that so all differences may be composed, and this poor Kingdom be restored to it's ancient happinesse and security; and to that purpose, if your Lordships shall think fit, we are willing to Treat with your Lordships, concerning the best means whereby (all Armies being first disbanded) His Majestie may with honour, freedom, and safety, be present with His two Houses of Parliament at *Westminster*; To which two particulars, that is, first concerning the Disbanding all Armies, & then for His Majesties speedy repair & residing at *Westminster*, with honour, freedom, and safety; We shall (if your Lordships think fit) apply our selves, and accordingly to morrow, will be ready to deliver to your Lordships some Propositions upon that Subject; And if your Lordships shall concurre with us herein, we hope it will be a good inducement to procure an addition of time to this Treaty, according to His Majesties Proposition in His late Letter to Us, which we delivered to your Lordships.

Their Paper, 20. *Feb.*

CXCII. WE shall, according to mutuall agreement between His Majesty and the two Houses of the Parliament of *England*, and the Commissioners for the Parliament of *Scotland*, Treat these two remaining dayes upon the three Propositions for *Religion*, the *Militia*, and *Ireland*, and shall be glad to receive satisfaction in them from your Lordships, as the best expedient for procuring a speedy and blessed Peace, that the Armies may be disbanded, and the happinesse of His Majesties presence may again be enjoyed by those, who have nothing more in their Prayers and endeavours, then by His Majesties conjunction with His Parliament to see all these said differences composed, and these distracted Kingdoms restored to their

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Ancient happineſſe and ſecurity: Accordingly we ſhall be ready to begin again to morrow upon the Propoſitions for *Religion*, and receive what your Lordſhips will propoſe, and being ſatisfied upon that and the other two Propoſitions, we are confident we ſhall have further time given us to Treat upon ſuch other particulars, as ſhall be neceſſary for the attaining of thoſe ends we all deſire. 1549

There was no other Anſwer given concerning His Majeſties Commiſſioners deſire to Treat touching His return to *Weſtminſter*, and disbanding Armies, whereupon His Majeſties Commiſſioners delivered this Paper.

20. *February.*

CXCIII. WE conceive that the reaſons why your Lordſhips do not give us any Anſwer to our Paper, concerning the Treating for the disbanding all Armies, and for His Majeſties coming to *Weſtminſter*, may be, becauſe you have no authority by your Inſtructions ſo to do, though we propoſed the ſame to your Lordſhips, and do ſtill conceive it moſt conducing to the concluſion of the Propoſitions upon *Religion*, the *Militia*, and *Ireland*, upon which we have Treated; And we therefore deſire your Lordſhips that you will endeavour to have your Inſtructions ſo enlarged, that we may Treat upon ſo important and neceſſary an expedient for the Publique Peace. In the mean time we ſhall be ready to receive whatſoever your Lordſhips pleaſe to propoſe in the buſineſſe of *Religion*, preſuming, that if your Lordſhips are not ſatisfied with our Anſwer therein, in which we have applyed remedies to whatſoever hath ever been complained of as a grievance in the preſent Government of the Church, that your Lordſhips will make it appeare * that the Government by Biſhops is unlawfull; or that the Government you intend to introduce in the room thereof, is the onely Government

* *See their Paper. N°. 68. referring to this.*

ment that is agreeable to the Word of God; either of which being made evident to us, we shall immediatly give your Lordships full satisfaction in that you propose.

The King's Commissioners Paper, 22. *Feb.*

CXCIV. BY our Paper delivered to your Lordships 1. *February*, we did desire to know, whether your Lordships have any Instructions concerning his Majesties Propositions for setling a safe and well grounded Peace; and by our Paper of the 3. of *Feb.* we did desire to know, whether your Lordships had received any Instructions concerning that Proposition of His Majesties for a Cessation, and if your Lordships had not received any, that you would endeavour to procure authoritie to Treat thereupon; And by our Paper of the 10. of *February*, we did desire to know, whether your Lordships had received any Instructions concerning His Majesties Propositions, that we might prepare our selves to Treat upon them, when your Lordships should think fit; And by our Paper delivered to your Lordships, 14. *Feb.* we moved your Lordships upon directions received from His Majesty, that you would endeavour to procure an addition of time for this Treaty after the expiration of the dayes limited for the same, upon the reasons mentioned in His Majesties Letter, which Letter we then delivered to your Lordships: And by our Paper delivered to your Lordships the twentieth of this moneth, we moved your Lordships to endeavour an addition of time for this Treaty, after the expiration of the dayes limited for the same, upon the reasons mentioned in His Majesties said Letter, to which we have not yet received full Answer; Nor have we yet had any notice from your Lordships, whether the two Houses of Parliament have given any further time for this Treaty; And having hitherto, according to the order prescribed us, Treated onely upon the three first heads, of *Religion*, the *Militia*, and *Ireland*, and

and the 20. dayes expiring this day, we again desire to know whether there is any addition of time granted for this Treaty, our safe Conduct being but for two dayes longer. 1551

Their Answer, 22. *February*.

CXCV. YOur Lordships Papers of the first, third, and tenth of *Feb.* whether we had any Instructions concerning His Majesties Propositions and power to Treat for a Cessation, as also your Papers of the 14. and 20. of *February* concerning His Majesties Letter for an addition of time to this Treaty, with your Lordships desire thereupon, have been by us sent up to both Houses of Parliament from time to time, as we received them, together with our Answer given to them, and in our Answers we have from time to time declared to your Lordships, that when the Houses shall be satisfied in the good progresse of the Treaty upon their Propositions concerning *Religion*, *Militia*, & *Ireland*, they will give an addition of time for the Treaty: And we do conceive, that if your Lordships Answers to our demands concerning *Religion*, the *Militia*, and *Ireland*, had been such, as to have given satisfaction in the good progresse of this Treaty, mutually consented for 20. dayes upon the said Propositions, we should have before this been enabled with power to continue the Treaty, as well upon His Majesties as the rest of the Propositions. But your Lordships having not given full and satisfactory Answers concerning *Religion*, the *Militia*, & *Ireland*, you cannot, for the reasons above mentioned, expect an addition of time; neither have we received any Instructions to continue this Treaty longer then the 20. dayes, of which this is the last: And as for your Lordships safe Conduct, we conceive the 3. Sundayes last past, being not accompted any dayes of the Treaty, so this next Sunday is not to be esteemed one of the two dayes allowed after the Treaty in your Lordships

safe Conduct, but your Lordships are to have two dayes besides this next Lords day.

The King's Commissioners Reply, 22. Feb.

CXCVI. WE cannot expresse the great sadnesse of our harts, that all our earnest endeavours to give your Lordships satisfaction in all particulars of this Treaty, have produced no better effects towards a blessed Peace, which His Majesty and we who are trusted by Him, do so heartily pray for, and that so many and great offers made by us to your Lordships in the particulars we have treated upon, should not be thought a good progresse on our part in the said Treaty, as we find by your Lordships last Paper (to our great grief) they are not; and therefore that this must be the last day of the Treaty, we desire your Lordships to consider, that we being intrusted by His Majesty to Treat with your Lordships for a safe and well grounded Peace, have, upon the matter of your Lordships Propositions, consented to so many particulars and alterations of very great importance, and that your Lordships who were to Treat with us, have not abated one tittle of the most severe and rigourous of your Propositions, saving what you were pleased the last night to propose in the point of time concerning the *Militia*, which though it seems to be limited to seven yeers, in truth leaves it as unlimited as it was before in your Propositions, for at the end of seven yeers, it must not be exercised otherwise then shall be seled by His Majestie and the two Houses of Parliament: so that all the legall power now in His Majesty is taken away, and not restored after the seven yeers expired. Neither is there a full consent to that limitation offered by your Lordships the Commissioners of the Parliament of *Scotland*. Nor have your Lordships offered to us any prospect towards Peace other then by submitting totally to those Propositions, the which if we should do we should consent to

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such alterations as by constructions and consequences may dissolve the whole frame of the present Government, both Ecclesiasticall and Civill in this Kingdom. And though the particulars proposed by your Lordships have by debate appeared, not onely evidently unreasonable, but literally considered to comprehend things to be extended to powers not intended by your selves, yet your Lordships have not been pleased, either to restrain or interpret any particular in any other manner, then is set forth in the said Propositions.

In the matter of *Religion*, we have offered all such alterations, as we conceive may give satisfaction to any objections that have been, or can be made against that Government, and have given your Lordships reasons, not onely why we cannot consent to your Lordships Propositions, but that even those Propositions, if consented to, could not be in order to a Reformation, or to the procuring the publique Peace. And we must desire your Lordships to remember, that though you do not onely in your Covenant (which you require may be taken by His Majestie, and injoyned to be taken by all His Subjects) undertake the Reformation in point of Government, but even in point of Doctrine too, thereby laying an imputation upon the *Religion* it self, so long professed in this Kingdom with the generall approbation of all reformed Churches; yet your Lordships have not given us the least argument, nor so much as intimated in your debate, the least Prejudice to the Doctrine of the Church of *England*, against which we presume you cannot make any colourable objection, nor have you given us the view in particular, of the Government you desire should be submitted to, in the place of that you propose to be abolished; and therefore we propose to your Lordships, if the alterations proposed by us, do not give your Lordships satisfaction, that so great an alteration as the totall abolition of a Government esta-

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bliſhed by Law, may for the importance of it, and any reformation in Doctrine, for the ſcandall of it, be ſuſpended, till, after the disbanding of all Armies, His Majeſtie may be preſent with the two Houſes of Parliament, and calling a Nationall Synod, may receive ſuch advice both from the one and the other, as in a matter of ſo high concernment is neceſſary; And we are moſt confident that His Majeſtie will then follow the advice which ſhall be given him. And as any Reformation thus regularly and calmely made, muſt needs prove for the ſingular benefit and Honour of the Kingdom; ſo we muſt appeale to your Lordſhips, whether the contrary, that is, an alteration even to things though in themſelves good, can, by the principles of Chriſtian *Religion*, be enforced upon the King or kingdom?

In the buſineſſe of the *Militia*, though your Lordſhips do not deny that the Jealouſies and apprehenſions of danger are mutuall, and that the chief end of depoſiting the *Militia* in the hands of certain Perſons, is for ſecurity againſt thoſe Jealouſies and poſſible Dangers, yet your Lordſhips inſiſt, That all thoſe Perſons to be entruſted, ſhall be nominated by the two Houſes of Parliament in *England*, and the Eſtates of the Parliament in *Scotland*, and that the time for that great Generall and unheard of Truſt, ſhall be in ſuch manner, that though it ſeem to be limited to ſeven yeers, yet in truth by declaring, That after thoſe ſeven yeers, it ſhall not be otherwiſe exerciſed then His Majeſtie and the two Houſes of Parliament ſhall agree, and His Majeſtie may thereby be totally, and for ever diveſted of the power of the Sword, without which He can neither defend himſelf againſt Forreign Invaſions, or Domeſtique Inſurrections, or execute His Kingly Office in the behalf of His Subjects, to whom He is Sworn to give Protection: And to both theſe your Lordſhips adde the introducing a Neigbour-Nation, governed by diſtinct and different Laws (though united under

der one Soveraign) to a great ſhare in the Government of this Kingdom. Inſtead of conſenting to theſe Changes, we have offered and propoſed to your Lordſhips, That the Perſons to be Truſted with the *Militia* of the Kingdom, may be nominated between us; or if that were refuſed, That an equall number ſhall be named by you, and the other number by His Majeſtie, and that half the Forts and places of ſtrength within the Kingdom, ſhall be in the cuſtody of thoſe whom you think fit to be truſted therewith, and the other half, in ſuch hands as His Majeſtie pleaſe to commit the ſame to. And all perſons, as well thoſe nominated by your Lordſhips, as by His Majeſtie, to take an Oath for the due diſcharge of the ſaid Truſt, which being conſidered as the ſecuritie is mutuall, ſo neither part can be ſuppoſed to violate the agreement, without very evident inconvenience and danger to that part who ſhall ſo violate it, the whole Kingdom being likely, and indeed obliged to look upon whoſoever ſhall in the leaſt degree violate this agreement, as the authors of all the miſeries which the Kingdom ſhall thereby ſuffer. And as it is moſt reaſonable, that for this ſecurity, His Majeſtie ſhould part with ſo much of His own power, as may make him even unable to break the agreement, which ſhould be now made by him, and on his part, ſo it is moſt neceſſary, that all apprehenſion & danger of ſuch breach being over, that Soveraign power of the *Militia*, ſhould revert into the proper channell, and be, as it hath always been, in His Majeſties proper and peculiar charge: And therefore we have propoſed that the time limited for that truſt, ſhould be for three yeers, which by the bleſſing of God, will produce a perfect underſtanding between His Majeſtie and all His people; & if there ſhould be any thing elſe neceſſarie to be done in this argument, either for power or time, that the ſame be conſidered after the ſettlement of Peace in Parliament; but whatever is now, or hereafter ſhall be thought

necessary to be done, we desire may be so setled, that this Kingdom may depend upon it self, and not be subject to the Laws or advice of *Scotland*, as we think fit that *Scotland* should not receive rules or advice from this, having offered the like for *Scotland* as for *England*.

In the businesse of *Ireland*, your Lordships propose not onely, that His Majestie disclaim and make void the Cessation, made by His Royall Authoritie, and at the desires of the Lords Justices, and Councell of that Kingdom, and for the preservation of the remainder of His poor Protestant Subjects there, who were in evident danger of destruction, both by Famin and the Sword, but also to put the whole managery of that Warre and disposall of the Forces within that Kingdom, and consequently the Government of that Kingdom, into the hands of the *Scots* Generall, to be managed by the advice of a joynt Committee of both Kingdoms, wherein each should have a Negative Voice: In Answer to which, we have acquainted your Lordships, with the just grounds of His Majesties proceedings in the businesse of *Ireland*, which we are confident, being weighed without prejudice, may satisfie all men of His Majesties Piety and Justice therein; And we are very ready and desirous, to joyn with your Lordships in any course which may probably preserve and restore that miserable Kingdom.

Having put your Lordships in mind of these particulars, as they have a generall reference to the publique good of the Kingdoms, we beseech your Lordships to consider, that we have this great Trust reposed in us by His Majesty, and to remember how farre these Propositions trench upon His peculiar Kingly Rights, without any, or any considerable recompence or compensation.

In the businesse of *Religion*, your Lordships propose the taking away His whole Ecclesiasticall Jurisdiction, His Donations, and Temporalities of Bishopricks, His first Fruits,

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Fruits, and Tenths of Bishops, Deans and Chapters, instead whereof your Lordships do not offer to constitute the least dependance of the Clergy upon His Majestie; and for that so considerable a part of His Revenue, you propose onely the Bishops Lands to be setled on His Majestie, (reserving a power to dispose even those Lands as you shall think fit) whereas all the Lands both of Bishops, Deans and Chapters (if those Corporations must be dissolved) do undoubtedly belong to His Majestie in His own Right.

In the businesse of the *Militia*, as it is proposed, His Majestie is so totally divested of the Regall Power of the Sword, that He shall be no more able, either to assist any of His Allies with ayd, though men were willing to engage themselves voluntarily in that Service, or to defend His own Dominions from Rebellion or Invasion, and consequently the whole power of Peace and Warre (the acknowledged and undoubted Right of the Crown) is taken from Him.

In the businesse of *Ireland*, the power of nominating His Lieutenant, or Deputy, and other Officers there, of managing, directing, or in the least manner of medling in that Warre, or of making a Peace, is proposed to be taken from Him; and to adde to all these attempts upon His Kingly Rights, it is proposed to bereave Him of the Power of a Father, in the Education and Marriage of His own Children, and of a Master, in the rewarding His own Servants; and therefore we referre it to your Lordships, whether it be possible for us, with a good Conscience and discharge of the Trust reposed in us, to consent to the Propositions made to us by your Lordships? Lastly, we must observe to your Lordships, That after a Warre of neer four yeers, for which the defence of the Protestant Religion, the Liberty and Property of the Subject, and the Priviledges of Parliament were made the cause

and

and grounds, in a Treaty of twenty dayes, not indeed in the whole Propositions upon which the Treaty should be, there hath been nothing offered to be Treated, concerning the breach of any Law, or of the Liberty, or Property of the Subject, or Priviledge of Parliament; but onely Propositions for the altering a Government established by Law, and for the making new Laws, by which almost all the old are, or may be cancelled; and there hath been nothing insisted on of our part which was not Law, or denyed by us, that you have demanded as due by Law.

All these things being considered, and being much afflicted that our great hope and expectation of a Peace, is for the present frustrated by your Lordships * Declaration, that no more time will be allowed for this Treaty, we are earnest Suitors to your Lordships, that you will interpose with the two Houses, to whom we beleeve you have transmitted the answers delivered by us to your Lordships, upon *Religion*, the *Militia*, and *Ireland*, That this Treaty, though for the present discontinued, may be revived, and the whole matter of their Propositions, and those sent to them by His Majesty, which have not yet been Treated on, may be considered; and that depending that Treaty, to the end, we may not Treat in Blood, there may be a Cessation of Arms, and that the poor people of this Kingdom, now exposed to Plundrings and Spoyles, and other direfull effects of Warre, may have some earnest of a blessed Peace. And because this Treaty is now expiring, if your Lordships cannot give a present resolution, we desire when you have represented this to the two Houses, His Majestie may speedily receive their Answer.

See their last Paper.

Their Answer, 22. Feb.

CXCVII. WE conceive your Lordships cannot in reason expect an answer to the long Paper delivered to us very late this night at the close of the Treaty, a thing of many

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many dayes labour, which we apprehend to be rather a Declaration upon the Treaty, then any part thereof, and we could not imagine would be offered, but we cannot forbear upon the reading thereof, to mention thus much; That it seems by many particulars in that Declaration, it was resolved the Treaty should end with the 20. dayes, the means to continue it being well known to be a good progresse in the Propositions for *Religion*, the *Militia*, and *Ireland*, and by what we have received, we cannot find any satisfaction in these was intended to be agreed unto.

To that, whereby your Lordships ascribe so much to your own concessions, we shall onely say; That for *Religion*, you have granted very litle or nothing, but what we are already in possession of by the Laws of this Kingdom. For the businesse of the *Militia*, your Lordships have not thought fit, to consent to any one of our demands, but in that, as in *Religion*, have made some new Propositions of your own, which are not in any degree sufficient for setling and securing the Peace of the Kingdoms; As for the Propositions for *Ireland*, your Lordships have been so far from affording a consent thereto, that you have justified the destructive Cessation there, and strongly implyed an intention to renew the same, and have not yeelded to any part of our Propositions concerning that Kingdom; we shall represent your Lordships Papers to the Parliaments of both Kingdoms who upon due consideration thereof, will do what is further necessary for the good and Peace of His Majesties Dominions.

Besides these severall desires above mentioned from time to time for addition & enlargment of time, for continuing and prolonging the Treaty, or if discontinued, that it might be revived, and after a representation to the Houses, their Answer might be sent to His Majestie. In another Paper before *N°.* 135. upon the head of the *Militia*, His Ma-

jesties Commissioners did propose, that if the Treaty might not then continue, it might be adjourned for such time as they should think fit, and not totally dissolve, but be again resumed; which Paper is not here inserted, to avoid repetition, being before upon the head of *Militia*, and to which, as to that poynt of adjournment, no answer was given.

No Papers were given in to their Commissioners, in Answer to the last mentioned Paper, dated the 22. of *Feb.* N°. 197. which came in about two of the clock in the morning after; Nor to that of the same date N°. 135. concerning the *Militia*, which came in with it; Nor to their two last concerning *Ireland* of the 22 of *February* N°. 177, and 178. which came in about 12 of the clock that night; all which were of such length, and delivered upon the close of the Treaty, and those which came in about two of the clock upon the departure of the Commissioners, that it was impossible to give present answers, nor could any be given after, as part of the Treaty, without consent, which was required by His Majesties Commissioners, but not granted: Neither is any thing here inserted in answer to those Papers, because by the agreements between the Commissioners in the beginning of the Treaty, nothing was to be taken as part of the treaty, but what should be put in writing. And this Relation is intended onely for a Narrative of the Treaty, (conformable to the agreements) without any observations upon it, or additions unto it, other then necessary Introductions, and Transitions for coherence, and more cleer understanding the Passages of the Treaty.

FINIS.

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THE APPENDIX.

HIS MAIESTIES MESSAGE FROM *EVESHAM* of the 4. of *July*, 1644.

To the LORDS and COMMONS of Parliament Assembled at *Westminster*.

CHARLES R.

I.

WE being deeply sensible of the miseries and calamities of this Our Kingdom, and of the grievous sufferings of Our poor Subjects, do most earnestly desire, that some expedient may be found out, which, by the blessing of God, may prevent the further effusion of blood, and restore the Nation to Peace; from the earnest and constant endeavouring of which, as no discouragement given Us on the contrary part shall make Us cease, so no successe on Ours shall ever divert Us. For the effecting whereof, We are most ready and willing to condescend to all that shall be for the good of Us and Our People, whether by way of confirmation of what we have already granted, or of such further concession, as shall be requisite to the giving a full Assurance of the Performance of all Our most reall Professions, con-

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cerning the maintenance of the true Reformed Protestant Religion established in this Kingdom, with due regard to the ease of tender consciences, the just Priviledges of Parliament, and the Liberty and Property of the Subject, according to the Laws of the Land; As also by granting a generall Pardon without or with exceptions, as shall be thought fit. In order to which blessed Peace, We do desire and propound to the Lords & Commons of Parliament assembled at Westminster, That they appoint such, and so many Persons as they shall think fit, sufficiently authorized by them, to attend Us at Our Army, upon safe conduct, to come and return, (which we do hereby grant) and conclude with Us, how the Premisses, and all other things in question betwixt Us and them, may be fully setled; whereby all unhappy mistakings betwixt Us and Our People being removed, there may be a present Cessation of Arms, and, as soon as may be, a totall Disbanding of all Armies, the Subject have his due, and We be restored to Our Rights. Wherein if this Our offer shall be accepted, there shall be nothing wanting on Our part, which may make our people secure and happy.

Given at Our Court at *Evesham* the 4. of *July*, 1644.

His

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His Majesties Message from *Tavestock*, of the 8. of *September*, 1644.

To the *Lords* and *Commons* of Parliament Assembled at *Westminster*.

CHARLES R.

IT having pleased God in so eminent a manner, lately to bless Our Armies in these parts with successe, We do not so much joy in that blessing, for any other consideration, as for the hopes We have that it may be a means to make others lay to heart, as We do, the miseries brought and continued upon Our Kingdom by this unnaturall War, and that it may open your eares, and dispose your minds, to embrace those offers of Peace and Reconciliation, which have been so often, and so earnestly made unto you by Us, and from the constant and fervent endeavours of which We are resolved never to desist. In Pursuance whereof, We do, upon this occasion, conjure you to take into consideration Our (too long neglected) Message of the fourth of July from Evesham, which We again renew unto you; And that you will speedily send Us such an Answer thereunto, as may shew unto Our poor Subjects, some light of a deliverance from their present calamities, by a happy Accommodation, toward which We do here engage the word of a King, to make good all those things which We have therein promised, and really to endeavour a happy conclusion of this Treaty. And so God direct you in the wayes of Peace. II.

Given at Our Court at *Tavestock* the 8. of *Septemb.* 1644.

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THE BILL FOR ABOLISHING *EPISCOPACY.*

III. WHEREAS the Government of the Church of *England*, by *Arch-Biſhops*, *Biſhops*, their *Chancellours*, and *Commiſſaries*, *Deans*, *Deans* and *Chapters*, *Arch-Deacons*, and other Eccleſiaſticall Officers, depending upon the Hierarchy, hath by long experience been found to be a great impediment to the perfect Reformation, and growth of Religion, and very prejudiciall to the Civill State and Government of the Kingdom; Be it therefore Enacted by the King's moſt Excellent Majeſty, and the Lords & Commons in this preſent Parliament aſſembled, and by the authoritie of the ſame, that from and after the fifth day of *November*, in the yeer of our Lord, *one Thouſand ſix Hundred forty* and *three*, there ſhall be no *Arch-Biſhop*, *Biſhop*, *Chancellour*, or *Commiſſary* of any *Arch-Biſhop*, or *Biſhop*, nor any *Dean*, *Sub-Dean*, *Dean* and *Chapter*, or *Arch-Deacon*, nor any *Chancellour*, *Chaunter*, *Treaſurer*, *Sub-Treaſurer*, *Succentor*, or *Sacriſt*, of any Cathedrall, or Collegiate Church, nor any *Prebendary*, *Canon*, *Canon-Reſidenciary*, *Petty Canon*, *Vicar*, *Chorall*, *Choriſters*, *Old-Vicars*, or new-*Vicars*, of or within any Cathedrall, or Collegiate Church, or any other their Officers, within this Church of *England*, or Dominion of *Wales*; And that from, and after the ſaid fifth day of *Novemb.* the Name, Title, Dignity, Juriſdiction, Office, and Function, of *Arch-Biſhops*, *Biſhops*, their *Chancellours*, and *Commiſſaries*, *Deans*, *Sub-Deans*, *Deans*

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Deans and *Chapters*, *Arch-Deacons*, *Canons*, and *Prebendaries*, and all *Chaunters*, *Chancellours*, *Treasurers*, *Sub-Treasurers*, *Succenters*, and *Sacrists*, and all *Vicars*, *Corall*, and *Choristers*, old-*Vicars*, and new-*Vicars*, and every of them, and likewise the having, using, or exercising of any Power, Jurisdiction, Office, or authority, by reason, or colour of any such Name, Title, Dignity, Office, or Function, within this Realm of *England*, or Dominion of *Wales*, shall thenceforth cease, determine, and become absolutely void, and shall be abolished out of this Realm, & the Dominion of *Wales*, any Usage, Law, or Statute to the contrary in any wise notwithstanding. And that from, and after the said fifth day of *November*, no Person or Persons whatsoever, by vertue of any Letters Patents, Commission, or other authority derived from the Kings Majestie, His Heirs, or Successors, shall use or exercise any Jurisdiction Ecclesiasticall, within this Realm, or Dominion of *Wales*, but such, and in such manner as shall be appointed, and established by Act of Parliament. And that all Counties, Palatine, Mannors, Lordships, Castles, Granges, Messuages, Mills, Lands, Tenements, Meadows, Leasues, Pastures, Woods, Rents, Reversions, Services, Parks, Annuities, Franchises, Liberties, Priviledges, Immunities, Rights, Rights of Action, and of Entrie, Interests, Titles of Entrie, Conditions, Commons, Courts-Leete, and Courts-Baron, and all other Possessions, and Hereditaments whatsoever, of what nature or qualitie soever they be or wheresoever they lye or be (other then Impropriations, Parsonages Appropriates, Tithes, Oblations, Obventions, Pentions, Portions of Tithes, Parsonages, Vicarages, Churches, Chappels, Advowsons, Nominations, Collations, Rights of Patronage, and Presentation,) which now are, or lately were of, or belonging unto any *Arch-Bishop*, *Bishop*, *Arch-Bishoprick*, or *Bishoprick*, or any of them, or which they, or any of them held, or injoyed, in

right

right of their ſaid *Arch-Biſhoprick*, or *Biſhoprick* reſpectively, ſhall by the authoritie of Parliament, be veſted, adjudged, & deemed to be; and ſhall be in the very reall and actuall poſſeſſion, and ſeizin of the King's Majeſty, His Heirs and Succeſſors; And ſhall have, hold, poſſeſſe & enjoy the ſame, to Him, His Heirs and Succeſſors, without any Entrie or other Act whatſoever, & that the Kings Majeſty, His Heirs and Succeſſors, His and their Leſſees, Farmers and Tenants ſhall hold and enjoy the ſame, diſcharged and acquitted of Payment of Tithes, as freely and in as large, ample, and beneficiall means to all intents and purpoſes, as any *Arch-Biſhop*, or *Biſhop* at any time or times within the ſpace of two yeers laſt paſt, held or injoyed, or of right ought to have held or injoyed the ſame. Provided nevertheleſſe, and be it enacted by the authoritie aforeſaid, that all Leaſes, Grants, Guifts, Letters Patents, Conveyances, Aſſurances, or Eſtates whatſoever, hereafter to be made by the Kings Majeſty, His Heirs or Succeſſors, of any the Mannors, Lands, Tenements, Hereditaments, which in or by this Act ſhall come or be limited, or diſpoſed of, unto His Majeſty, His Heirs or Succeſſors, (other then for the Term of one and twenty yeers, or three Lives, or ſome other Term of yeers determinable, upon one, two, or three lives, and not above, from the time as any ſuch Leaſe or Grant ſhall be made or granted, whereupon the accuſtomed yeerly Rent or more, ſhall be reſerved and payable yeerly during the ſaid Term: And whereof any former Leaſe is in being, not to be expired, ſurrendred or ended within three yeeres after the making of any ſuch new Leaſe ſhall be utterly void and of none effect, to all intents, conſtruſtions, and purpoſes, any clauſe or words of (*non obſtante*) to be put in any ſuch Patent, Grant, Conveyance, or Aſſurance, and any Law, Uſage, Cuſtom, or any thing in this Act to the contrary, in any wiſe notwithſtanding. And be it further Enacted and Ordained, that

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that all Impropriations, Parſonages Appropriate, Tithes, Oblations, Obventions, Portions of Tithes, Parſonages, Vicaridges, Churches, Chappels, Advowſons, Nominations, Collations, rights of Patronage and Preſentation, which now are, or lately were belonging unto any *Arch-Biſhop*, or *Biſhop*, *Arch-Biſhoprick*, or *Biſhoprick*. And all Mannors, Caſtles, Lordſhips, Granges, Meſſuages, Mills, Lands, Tenements, Meadows, Paſtures, Woods, Rents, Reverſions, Services, Parſonages Appropriate, Tithes, Oblations, Obventions, Pentions, Portions of Tithes, Parſonages, Vicaridges, Churches, Chappels, Advowſons, Nominations, rights of Patronage, and Preſentation, Parks, Annuities, Franchiſes, Liberties, Priviledges, Immunities, Rights, Rights of Action, and of Entrie, Intereſts, Titles of Entrie, Conditions, Commons, Courts Leete, and Courts Baron, and all other Poſſeſſions, and Hereditaments whatſoever of what nature or qualitie ſoever they be, or whereſoever they lye or be, which now are, or lately were of, or belonging to any *Sub Deane*, *Deane*, *Deane* and *Chapter*, *Arch-Deacon*, *Chaunter*, *Chancellor*, *Treaſurer*, *Sub-Treaſurer*, *Succentor*, *Sacriſt*, *Prebendary*, *Canon*, *Canon Reſidentiarie*, *Petty-Canon*, *Vicars Chorall*, *Choriſters*, *old Vicars*, and *new Vicars*, or any of them, or any of the Officers of them, or any of them which they held or enjoyed in right of their ſaid dignities, Churches, Corporations, Offices, or Places reſpectively, ſhall, by authoritie of this preſent Parliament be Veſted, Adjudged, and deemed to be, and ſhall be in the very reall and actuall Poſſeſſion, and Seiſin of *Sir William Roberts* Knight, *Thomas Atkins*, *Sir John Wollaſton*, *John Warner*, *John Towes*, Aldermen of the City of *London*, *John Packer* Eſquire, *Peter Malborne* Eſquire, and they ſhall have, hold, poſſeſſe and enjoy, the ſame to them, their Heirs and Aſſignes, without any Entrie or other Act whatſoever, and that for themſelves, their Leſſees, Farmers, and Te-

nants, discharged, and acquitted of payment of Tithes, as freely, and in as large, ample, and beneficiall manner to all intents, and Purposes, as any of the Persons, or corporations, whose Offices or places are taken away by this Act at any time, or times within the space of two yeers now last past, held or enjoyed, or of right ought to have held or enjoyed the same. In trust and Confidence nevertheless, and to the intent, and purpose, that they, the said Sir *William Roberts* Knight, *Thomas Atkins*, Sir *John Wollaston*, *John Warner*, *John Towes*, Aldermen of the City of *London*, *John Packer* Esquire, *Peter Malborne* Esquire, and the Survivors and Survivor of them, his and their Heirs, and Assignes shall satisfie and pay unto all and every Arch-Bishop, Bishop, Dean, Sub-Dean, Arch-Deacon, Chanter, Chancellour, Treasurer, Sub-Treasurer, Succentor, Sacrist, Prebendary, Canon, Canon Residentiary, Pettie Canon, Vicars Chorall, Choristers, old Vicars and new Vicars, and other Officers and persons belonging unto, or now imployed in, or about the said Cathedrall or Collegiate Churches, such yeerly Stipends, and Pensions for so long time, and in such manner as by the Lords and Commons in Parliament Assembled, shall be ordered, directed and appointed; And shall dispose of all, and singular the aforesaid Manors, Lands, Tithes, Appropriations, Advowsons, Tenements, Hereditaments, and other the Premisses, and of every part, and parcell thereof, and of the Revenues, Rents, Issues, and profits thereof, to the uses, intents, and purposes above, and hereafter expressed, (that is to say) for a competent maintenance for the support of such a number of preacing Ministers, for the service of every Cathedrall and Collegiate Church, and His Majesties free Chappell of *Windsor*, as by the Lords and Commons shall be ordered, and appointed; And likewise for the maintenance of preaching Ministers throughout the Kingdom of *England*, Dominion of *Wales*, and Town of *Barwick*, in such places where

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where such maintenance is wanting, and for a proportionable allowance for, and towards the reparation of the said Cathedrall and Collegiate Churches in such manner, and form, and to such persons and for such other good uses, to the advancement of true Religion, and the maintenance of Piety and Learning, as by this or any other Act or Acts of Parliament now, or hereafter to be made, shall be set down, or declared. And be it further enacted by the authority aforesaid, that all Leases, Guifts, Grants, Conveyances, Assurances, and Estates whatsoever, hereafter to be made by the said Sir *William Roberts* Knight, *Thomas Atkins*, Sir *John Wollaston*, *John Warner*, *John Towes*, Aldermen of the City of *London*, *John Packer* Esquire *Peter Malbourne* Esquire, the Survivors and Survivor of them, or the greater part of them, his, and their Heirs and Assignes of any the Mannors, Lands, Tenements or Hereditaments, within, or by this Act shall come, or be limited, or disposed of unto the said Sir *William Roberts* Knight, *Thomas Atkins*, Sir *John Wollaston*, *John Warner*, *John Towes* Aldermen of the City of *London*, *John Packer* Esquire, *Peter Malbourne* Esquire (other then for the term of one and twenty yeers, or three Lives, or some other term of yeers determinable upon one, two, or three Lives, and not above, from the time, as any such Lease, or Grant shall be made, or granted, whereupon the accustomed yeerly Rent, or more, shall be reserved, and payable yeerly during the said term) whereof any former Lease is in being, and not to be expired, surrendred, or ended, within three yeers after the making of such Lease, shall be utterly void, and of none effect, to all Intents, Constructions and purposes, any thing in this Act to the contrary in any wise notwithstanding. Provided nevertheless, where no Lease hath been heretofore made, nor any such Rent hath been reserved, or payable, of any the Lands, Tenements, or Hereditaments, in this Act limited, or disposed of unto the said

Sir *William Kobers* Knight, *Thomas Atkins*, Sir *John Wollaston*, *John Warner*, *John Towes*, Aldermen of the City of *London*, *John Packer* Eſquire, *Peter Malbourne* Eſquire, that in ſuch caſe it ſhall be lawfull for the ſaid Sir *William Roberts* Knight, *Thomas Atkins*, Sir *John Wollaſton*, *John Warner*, *John Towes* Aldermen of the City of *London*, *John Packer* Eſquire, *Peter Malbourne* Eſquire the Survivors, and Survivor of them or the greater part of them, his, and their Heirs, to make any Leaſe, or Eſtate for the term of one and twenty yeers, or three Lives, or ſome other term of yeers determinable upon one, two, or three Lives, and not above, taking ſuch Fine as they in their Judgements ſhall conceive indifferent, and reſerving a reaſonable Rent, not being under the third part of the cleer yeerly value of the Lands, Tenements, or Hereditaments contained in ſuch Leaſe. And it is further Declared to be the true intent, and meaning of this Act; That all, and every the Leſſees, Farmers and Tenants of all and every the ſaid Perſons and Corporations whoſe Offices or places are taken away by this Statute, now having, holding, or enjoying any Eſtate, term, or Intereſt, in poſſeſſion by himſelf, his under Tenants or Aſſignes, of, or in any Mannors, Lands, Tenements, appropriations, or other Hereditaments whatſoever ſhall & may be preferred in the taking and renuing of any Eſtates, Leaſes or Grants of any ſuch Mannors, Lands, Tenements, or Hereditaments, before any other Perſon, the ſaid Leſſees, Farmors, or Tenants, or other Parties intereſſed, as aforeſaid, deſiring the ſame, and giving ſuch Fines, Rents, and other conſiderations for the ſame as by the ſaid Sir *William Roberts* Knight, *Thomas Atkins*, Sir *John Wollaſton*, *John Warner*, *John Towes*, Aldermen of the City of *London*, *John Packer*, *Peter Malbourne*, Eſquires, or the Survivors or Survivor of them, or the major part of them, his, or their Heirs or Aſſignes ſhall be thought, and held juſt and reaſonable. *Provided*

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vided alſo, and be it enacted by the Authority aforeſaid, that all and ſingular Revenues, Rents, Iſſues, Fees, Profits, ſummes of Money, and allowances whatſoever, as have heretofore been, and now ought to be paid diſpoſed, or allowed unto, or for the maintenance of any Grammer-School or Schollers, or for, or towards the Reparation of any Church, Chappell, High-way, Cauſey, Bridge, Schoole-houſe, Almeſ-houſe, or other charitable uſe payable by any the Corporations, or Perſons whoſe Offices or places are taken away by this Act, or which are chargeable upon, or ought to iſſue out of, or be paid, for, or in reſpect of the ſaid premiſſes, or any of them, ſhall be and continue to be paid, diſpoſed and allowed, as they were and have been heretofore, any thing in this preſent Act to the contrary thereof notwithſtanding. And to the intent and purpoſe the Parliament may be certainly and cleerly informed of the premiſſes, to the end the ſame may be diſtributed, applied, and imployed to, and for ſuch pious, and godly uſes and purpoſes as is intended, and herein declared. Be it ordained and enacted, that the Lord Keeper of the Great Seal of *England* for the time being, ſhall, by vertue of this Act, have full Power and Authority, and is hereby required to award and iſſue forth ſeverall Commiſſions under the Great Seal of *England* into all and every the Counties and Cities within the Kingdom of *England* and Dominion of *Wales*, to be directed unto ſuch and ſo many Perſons, as by the Lords and Commons in this preſent Parliament aſſembled, ſhall be nominated, aſſigned, and appointed, thereby authorizing and requiring them, or any five or more of them, and giving them full Power and Authority by the Oathes of good and lawfull men, as by all other good and lawfull wayes and means, to inquire and find out what Mannors, Caſtles, Lordſhips, Granges, Meſſuages, Lands, Tenements, Meadows, Leaſues, Paſtures, Woods, Rents, Reverſions, Services, Parſon-

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ages Appropriate, Tithes, Oblations, Obventions, Pensions, Portions of Tithes, Vicaridges, Churches, Chappels, Advowsons, Nominations, Presentations, Rights of Patronage, Parks, Annuities, and other Possessions and Hereditaments whatsoever, of what nature or qualitie soever they be, lying and being within every such Countie, or City not hereby limited, or disposed of unto His Majesty, do belong, or appertain unto all, every, or any such *Arch-Bishop*, *Bishop*, *Dean*, *Sub-Dean*, *Dean* and *Chapter Arch-Deacon*, *Chanter*, *Chancellor*, *Treasurer*, *Sub Treasurer*, *Succentor*, *Sacrist*, *Prebendary*, *Canon*, *Canon Residenciary*, *Petty Canon*, *Vicar Chorall*, *Choristers* old *Vicar*, or new *Vicar*, in right of their said Dignities, Churches, Corporations, Offices, or places respectively, and what and how much of the same is in possession, and the true yeerly value thereof, and what and how much thereof is out in Lease, and for what Estate, and when and how determinable, and what Rents, Services, and other Duties are reserved, and payable during such Estate, and also the true yeerly value of the same, as they are now worth in possession, as also what Rents, Pensions, or other Charges, or other summes of Money are issuing, due or payable out of any the Mannors, Lands, or Premisses, and to make an exact and particular survey thereof, and to take and direct, and settle such course for the safe custody, and keeping of all Charters, Evidences, Court-Rolls, and Writings whatsoever, belonging unto all or any the Persons, Dignities, Churches, Corporations, Offices and Places, or concerning any the Mannors, Lands, Tenements, Hereditaments, or other premisses before mentioned, as in their discretion shall be thought meet and convenient, and of all and singular their doings and proceedings herein fairely written, and ingross'd in Parchment to make return, and Certificate into the Court of Chancery, and to this further intent and purpose, that speedy care and course may be taken for providing

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viding of a competent maintenance for ſupply and encouragement of Preaching Miniſters in the ſeverall Pariſhes, within the Kingdom of *England*, and Dominion of *Wales*. Be it likewiſe ordained and enacted, that the ſame Commiſſioners and Perſons authorized as above ſaid, ſhall have full power and authority by the Oaths of good and lawfull men, as by all other good wayes and lawfull means, to enquire and find out the true yeerly value of all Parſonages, and Vicaridges Preſentative, and all other Spirituall and Eccleſiaſticall Benefices and Livings unto which any Cure of Souls is annexed, lying and being within ſuch Counties and Cities, and of all ſuch particularly to enquire and certifie into the Court of Chancery, what each of them are truly and really worth by the yeer, and who are the preſent Incumbents, or poſſeſſours of them, and what, and how many Chappels, belonging unto Pariſh Churches are within the limits of ſuch Counties and Cities, within which they are directed and authorized to enquire, and how the ſeverall Churches, and Chappels, are ſupplyed by Preaching Miniſters, that ſo courſe may be taken for providing both for Preaching, and of maintenance, where the ſame ſhall be found to be needfull and neceſſary, provided alwayes, that this Act, or any thing therein contained, ſhall not extend to any Colledge, Church, Corporation, Foundation, or Houſe of Learning, in either of the *Univerſities* within this Kingdom, and the ſaid Sir *William Roberts*, Sir *Thomas Atkins*, Sir *John Wollaſton*, *John Warner*, *John Towes*, Aldermen of the City of *London*, *John Packer*, and *Peter Malbourne* Eſquires, and the Survivors and Survivor of them, or the greater part of them, his, and their Heirs and Aſſignes, are hereby directed, and authorized, to give and allow, unto ſuch Officers as by them ſhall be thought fitting, and neceſſary, for keeping of Courts, Collecting of Rents, Surveying of Lands, and all other neceſſary imployments, in and about the premiſſes, and unto the

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the Commissioners authorized by this Act, and such others, as shall be necessarily imployed by them, all such reasonable Fees, Stipends, Salaries, and summes of Money as in their discretion shall be thought just, and convenient; And the said Sir *William Roberts* Knight, *Thomas Atkins*, Sir *John Wollaston*, *John Warner*, *John Towes*, Aldermen of the City of *London*, *John Packer*, and *Peter Malbourne* Esquires, the Survivors and Survivor of them, his, and their Heirs and Assignes, of their severall Receipts, Imployments, Actions and Proceedings, shall give an accompt, and be accomptable unto the Lords and Commons in Parliament, or such Person or Persons, as from time to time, by both Houses of Parliament shall be nominated and appointed in such manner, and with such Power, Priviledge, and Jurisdiction, to hear, and determine all matters concerning such accompts as by both Houses of Parliament shall from time to time be thought necessary to be given them, and not elsewhere, nor otherwise, saving to all, and every Person, and Persons, Bodies Politique and Corporate, their Heirs and Successors, and the Heirs and Successors of them, and every of them, other then such Person or Persons, Bodies Politique and Corporate, whose Offices, Functions, and Authorities are taken away and abolished by this Act, as to any Estate, Right, Title, or Interest, which they, or any of them claim to have or hold in right of their said Churches, Dignities, Functions, Offices, or places, & other then the Kings Majesty, his Heirs & Successors, as Patrons, Founders or Donors, and all, and every other Person & Persons, Bodies Politique and Corporate, as may claim any thing, as Patrons, Founders or Donors, all such Right, Title, Interest, Possession, Rents, Charge Rent, Service, Annuities, Offices, Pensions, Portions, Commons Fees, Profits, claimes and demands, either in Law or equitie whatsoever. And all and singular such Leases for Yeers, Life or Lives, as were before the twentieth

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twentieth day of *January*, in the yeer of our Lord, one Thousand six Hundred forty two, made unto them or any of them, by any the Persons or Corporations above named, according to the Laws and Statutes of this Realm, and warranted by the same, and all such Leases and Estates, as having been heretofore made, have been established, or setled by any Judgement or Decree, in any of the Courts at *Westminster*, and have been accordingly enjoyed; And all duties and profits whatsoever, which they, or any of them, have or may claim, or of right ought to have, of, in, to, or out of any the said Mannors, Lands or Premisses whatsoever, or any part, or parcell thereof, in such sort, manner, form & condition to all intents, constructions and purposes, as if this Act had never been made.

The Articles of the late Treaty, of the date *Edenburgh*, the 29. of *November* 1643.

Die Mercurii 3. *Ianuarii*, 1644.

ARTICLES of the Treaty agreed upon betwixt the Commissioners of both Houses of the Parliament of *England*, having Power and Commission from the said Honorable Houses, and the Commissioners of the Convention of the Estates of the Kingdom of *Scotland*, Authorised by the Committee of the said Estates concerning the solemn League & Covenant, & the assistance demanded in pursuance of the ends expressed in the same.

IV. WHereas the two Houses of the Parliament of *England*, out of a just and deep sense, of the great and imminent danger of the true Protestant Religion, in regard of the great Forces of Papists, Prelats, Malignants and their Adherents, raised and imployed against the constant Professors thereof in *England*, and *Ireland*, thought fit to

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ſend their Commiſſioners unto the Kingdom of *Scotland*, to Treat with the Convention of Eſtates & generall Aſſembly there, concerning ſuch things as might tend to the preſervation of Religion, and the mutuall good of both Nations; And to that end, to deſire a more neer, and ſtrict union betwixt the Kingdoms: And the Aſſiſtance of the Kingdom of *Scotland*, by a conſiderable ſtrength to be raiſed and ſent by them into the Kingdom of *England*. And whereas upon a Conſultation held betwixt the Commiſſioners of the Parliament of *England*, the Committees of the Convention of Eſtates, and Generall Aſſembly; No means was thought ſo expedient to accompliſh, and ſtrengthen the Union, as for both Nations to enter into a Solemn League and Covenant, and a form thereof drawn and preſented to the two Houſes of Parliament of *England*, the Convention of Eſtates and Generall Aſſembly of *Scotland*, which hath accordingly been done, and received their reſpective Approbation. And whereas the particulars concerning the Aſſiſtance deſired by the two Houſes of the Parliament of *England*, from their brethren of *Scotland*, were delivered in by the *Engliſh* Commiſſioners, *Auguſt* the 19. to the Convention of Eſtates, who did thereupon give power to their Committee, to conſider and debate further with the *Engliſh* Commiſſioners, of what other Propoſitions might be added, or concluded; Whereby the aſſiſtance deſired, might be made more effectuall & beneficiall: And in purſuance thereof, theſe Propoſitions following were conſidered of, and debated by the Committee and Commiſſioners aforeſaid; to be certified with all convenient ſpeed to the two Houſes of the Parliament of *England*, and the Convention of Eſtates of *Scotland* by their reſpective Committees and Commiſſioners, to be reſpectively taken into their conſideration, and proceeded with, as they ſhould find cauſe. Which being accordingly done, and theſe enſuing Propoſitions approved, agreed,

and

and concluded of by the Houſes of the Parliament of *England*, & the Committee of the Eſtates of *Scotland* reſpectively, and power by them given to their reſpective Committees, and Commiſſioners, formally to agree and conclude the ſame, as may appear by the Votes of both Houſes, dated the firſt of *November*, and the Order of the Committee, bearing date the 17. of *November*, We, the ſaid Commiſſioners, and Committees, according to their Votes, and Orders do formally conclude, and agree upon theſe Articles following: And in confirmation thereof, do mutually ſubſcribe the ſame.

1. It is agreed and concluded, that the Covenant repreſented to the Convention of Eſtates and Generall aſſembly of *Scotland*, and ſent to both Houſes of the Parliament of *England*, in the ſame form as it is now returned from the two Houſes of the Parliament of *England*, to their brethren of *Scotland*, and allowed by the Committee of Eſtates and Commiſſioners of the Generall Aſſembly, be ſworn and ſubſcribed by both Kingdoms, as a moſt neer Tye, and Conjunction between them, for their mutuall defence againſt the Papiſts and Prelaticall Faction, and their adherents in both Kingdoms, and for purſuance of the ends expreſſed in the ſaid Covenant.

2. That an Army to this purpoſe, ſhall be levyed forthwith conſiſting of Eighteen Thouſand Foot effective, and two Thouſand Horſe, and one Thouſand Dragooners effective, with a ſuitable Train of Artillery: to be ready at ſome Generall Rendezvous neer the Borders of *England*; to march into *England* for the purpoſes aforeſaid, with all convenient ſpeed, The ſaid Foot and Horſe, to be well and compleatly Armed, and provided, with Victuals and Pay for Forty dayes: And the ſaid Train of Artillery, to be fitted in all points ready to march.

3. That the Army be commanded by a Generall appointed by the Eſtates of *Scotland*, and Subject to ſuch Re-

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ſolutions and directions as are and ſhall be agreed, and concluded on mutually between the two Kingdoms, or by Committees appointed by them in that behalf, for purſuance of the ends above mentioned.

4. That the charge of Levying, Arming, and bringing the ſaid Forces together Furniſhed, as alſo the fitting the Train of Artillery in readineſſe to march, be computed and ſet down according to the ſame Rates, as if the Kingdom of *Scotland* were to raiſe the ſaid Army for themſelves, and their own affairs: All which, for the preſent, is to be done by the Kingdom of *Scotland*, upon Accompt, and the Accompt to be delivered to the Commiſſioners of the Kingdom of *England*; And when the Peace of the two Kingdoms is ſetled, the ſame to be repaid or ſatisfied to the Kingdom of *Scotland*.

5 That this Army be likewiſe paid, as if the Kingdom of *Scotland* were to imploy the ſame for their own occaſions, and toward the defraying thereof, (it not amounting to the full Moneths pay) ſhall be Monethly allowed and paid the ſumme of thirty thouſand pounds *ſterling* by the Parliament of *England*, out of the Eſtates and Revenues of the Papiſts, Prelats, Malignants, and their Adherents, or otherwiſe; And in caſe the ſaid Thirty thouſand pounds Monethly, or any part thereof, be not paid at the time when it ſhall become due, and payable, The Kingdom of *England* ſhall give the Publique Faith for the paying of the remainder unpaid, with all poſſible ſpeed, Allowing the rate of eight pounds *per centum*, for the time of the performance thereof. And in caſe, that notwithſtanding the ſaid Monethly ſumme of Thirty Thouſand pounds paid as aforeſaid, the States and Kingdom of *Scotland*, ſhall have juſt cauſe to demand further ſatisfaction of their Brethren of *England*, when the Peace of both Kingdoms is ſetled, for the pains, hazard, and charges they have undergone in the ſame, They ſhall by way of Brotherly

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therly assistance, have due recompence made unto them by the Kingdom of *England*; And that out of such Lands and Estates of the Papists, Prelats, Malignants, and their Adherents, as the two Houses of the Parliament of *England* shall think fit; And for the assurance thereof, the Publique faith of the Kingdom of *England* shall be given them.

6 And to th'end the said Army in manner aforesaid, may be enabled and prepared to march: The Kingdom of *England* is to pay in ready Money to their Brethren of *Scotland*, or such as shall have power from the Estates of that Kingdom, the summe of one hundred thousand pounds *sterling*, at *Leith*, or *Edenburgh*, with all convenient speed, by way of advance, before hand, which is to be discounted back again unto the Kingdom of *England*, by the Kingdom of *Scotland*, upon the first Monethly allowance, which shall grow due to the *Scottish* Army, from the time they shall make their first entrance into the Kingdom of *England*.

7 That the Kingdom of *Scotland* to manifest their willingnesse to their utmost ability, to be helpfull to their Brethren of *England*, in this common Cause, will give the Publique Faith of the Kingdom of *Scotland*, to be joyntly made use of with the Publique Faith of the Kingdom of *England*, for the present taking up of two hundred thousand pounds *sterling*, in the Kingdom of *England*, or elsewhere, For the speedy procuring of the said hundred thousand pounds *sterling* as aforesaid, As also a considerable summe, for the satisfying in good proportion the Arreares of the *Scottish* Army in *Ireland*.

8 That no Cessation, nor any Pacification, or Agreement for Peace whatsoever, shall be made by either Kingdom: or the Armies of either Kingdom, without the mutuall advice and Consent of both Kingdoms, or their Committees in that behalf appointed, who are to have full Power for the same in case the Houses of the Parlia-

ment of *England*, or the Parliament, or convention of Estates of *Scotland* shall not sit.

9 That the Publique Faith of the Kingdom of *Scotland*, shall be given to their Brethren of *England*, That neither their entrance into, nor their continuance in the Kingdom of *England*, shall be made use of to any other ends, then are expressed in the Covenant, and in the Articles of this Treaty; And that all matters of difference that shall happen to arise between the Subjects of the two Nations, shall be resolved and determined by the mutuall advice and consent of both Kingdoms, or by such Committees, as for this purpose shall be by them appointed, with the same power, as in the precedent Article.

10 That in the same manner, and upon the same conditions as the Kingdom of *Scotland*, is now willing to ayd and assist their Brethren of *England*, the Kingdom of *England* doth oblige themselves to ayd and assist the Kingdom of *Scotland*, in the same, or like cases of streights and extremities.

11 Lastly, it is agreed and concluded, That during the time that the *Scottish* Army shall be imployed as afore said, for the defence of the Kingdom of *England*, There shall be fitted out as Men of Warre, Eight Ships, whereof six shall be of Burthen, betwixt one hundred and twenty, and two hundred Tonne, the other between three and four hundred Tonne, whereof two shall be in Lieu of the two Ships appointed by the *Irish* Treaty; All which shall be maintained at the charge of the Kingdom of *England*, to be imployed for the defence of the Coast of *Scotland*, under such Commanders as the Earl of *Warwick* for the time of his being Admirall shall nominate, with the approbation of the Committees of both Kingdoms, which Commanders shall receive from the said Earl, generall Instructions, that they do from time to time observe the directions of the Committees of both Kingdoms.

The

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The Ordinance for calling the Assembly of Divines.

An Ordinance of the Lords and Commons in Parliament, for the calling of an Assembly of Learned and Godly Divines, and others, to be consulted with, by the Parliament, for the setling of the Government and Liturgy of the Church of *England*, and for vindicating and cleering of the Doctrine of the said Church from false aspertions and interpretations.

WHereas amongst the infinite blessings of Almighty God upon this Nation, none is, or can be more dear unto us, then the purity of our *Religion*, and for that as yet many things remain in the Liturgy, Discipline, & government of the Church, which do necessarily require a further and more perfect Reformation, then as yet hath been attained: And whereas it hath been declared and resolved by the Lords and Commons assembled in Parliament, that the present Church-government by *Arch-Bishops*, *Bishops*, their *Chancellors*, *Commissaries*, *Deans*, *Deans and Chapters*, *Arch-deacons*, and other Ecclesiasticall Officers depending upon the *Hierarchy*, is evill and justly offensive and burthensome to the Kingdom, a great impediment to Reformation and growth of Religion, and very prejudiciall to the Estate and Government of this Kingdom, and that therefore they are resolved that the same shall be taken away, and that such a Government shall be setled in the Church, as may be most agreeable to Gods holy word, and most apt to procure and preserve the Peace of the Church at home and neerer agreement with the Church of *Scotland*, and other reformed Churches abroad, and for V.

1682. for the better effecting hereof, and for the vindicating and clearing of the doctrine of the Church of *England* from all falſe calumnies and aſperſions, It is thought fit and neceſſary, to call an Aſſembly of Learned, Godly and Judicious Divines, who, together with ſome Members of both the Houſes of Parliament, are to conſult and adviſe of ſuch matters and things touching the premiſſes, as ſhall be propoſed unto them by both, or either of the Houſes of Parliament, and to give their advice and counſell therein, to both, or either of the ſaid Houſes, when, and as often as they ſhall be thereunto required. Be it therefore ordained by the Lords and Commons in this preſent Parliament aſſembled, That all and every the perſons hereafter in this preſent Ordinance named, that is to ſay, *Algernon* Earl of Northumberland, *William* Earl of Bedford, *Philip* Earl of Pembroke and Montgomery, *William* Earl of Salisbury, *Henry* Earl of Holland, *Edward* Earl of Manchester, *William* Lord Viſcount Say and Seale, *Edward* Lord Viſcount Conway, *Philip* Lord Wharton, *Edward*, Lord *Howard* of Eſtr. *John Selden* Eſquire, *Francis Rous*, Eſquire, *Edmond Prideaux* Eſquire Sir *Henry Vane* Knight *ſenior*, *John Glyn* Eſquire, Recorder of London, *John White* Eſquire, *Boulſtrode Whitlocke* Eſq; *Humphry Salloway* Eſq; M. Serjeant *Wild*, Oliver *Saint-John* Eſquire, His Majeſties Sollicitor, Sir *Benjamin Rudyard* Knight, *Io. Pym* Eſq; Sir *John Clotworthy* Knight, *John Maynard* Eſquire, Sir *Henry Vane* Knight *junior*, *William Pierepoint* Eſquire, *William Wheeler* Eſquire, Sir *Thomas Barrington* Knight, *Walter Young* Eſquire, Sir *John Evelin* Knight, *Herbert Palmer* of Aſhwell Batchelor in Divinity, *Oliver Boles* of Sutton Batchelor in Divinity, *Henry Wlickinſon* of Waddeſdon Batchelor in Divinity, *Thomas Valentine* of Chalfont Giles Bachelor in Divinity, Doctor *William Twiſſ* of Newbury, *Will. Kayner* of Egham, Mr. *Hannibal Gammon* of Maugan, M. *Aſpar Hicks* of Lawrick, Doctor *Joſhua Hoyle* late of Dubling in Ireland,

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Ireland, *William Bridges* of Yarmouth, *Thomas Wincop* of Ellesworth Doct. in Divinity, *Thomas Goodwin* of London Batchelor in Divinity, *John Ley* of Budworth in Cheshire, *Thomas Case* of London, *John Pyne* of Bereferrers, Mr. *Whidden of* Moorcton, Dr. *Richard Love* of Ekington, Dr. *William Gouge of* Blackfriers London, Dr. *Ralph Browneridge* Bishop of Exeter, Dr. *Samuel Ward*, Master of Sidney Colledge, *John White* of Dorchester, *Edward Peale* of Compton, *Stephen Marshall* of Finchingfild Batchelor in Divinity, *Obedish Sedgewicke* of Cogshall, Batchelor in Divinity, Mr. *Carter*, *Peter Clerk of* Carnaby, *William Mew of* Estington Batchelor in Divinity, *Richard Capell of* Pitchcomb, *Theophilus Bathurst of* Overton Watervile, *Phil. Nye of* Kimbolton, Dr. *Brocket Smith of* Barkway, D. *Cornelius Burges of* Wartford, *Is. Green of* Pencombe, *Stanley Gower of* Brampton-Bryan, *Francis Taylor of* Yalding, *Tho. Wilson of* Otham, *Antho. Tuckney of* Boston Batchelor *of* Divinity, *Thomas Coleman of* Bliton, *Charles Herle of* Winwicke, *Richard Herricke of* Manchester, *Richard Cleyton of* Showell, *George Gibbs of* Ayleston, Dr. *Calibute Downing of* Hackney, *Ieremy Boughes of* Stepney, *Edmund Calamy* Batchelor in Divinity, *George Walker* Batchelor in Divinity, *Ioseph Carroll of* Lincolns Inne, *Lazarus Seaman of* London, D. *John Harris*, Warden *of* Winchester Colledge, *George Morley* of Mildenhall, *Edward Reynolds* of Branston, *Thomas Hill* of Titchmarch Batchelor in Divinity, D. *Robert Saunderson* of Boothby Pannell, *John Foxcroft* of Gotham, *John Jackson* of Marske, *William Carter* of London, *Thomas Thoroughgood* of Massingham, *John Arrowsmith* of Lynne, *Robert Harris* of Hanwell, Batchelor in Divinity, *Robert Crosse* of Lincoln Colledge, Batchelor in Divinity, *James* Archbishop of Armagh, Dr. *Matthias Styles* of Saint George Eschеape London, *Samuel Gibson* of Burley, *Ieremiah Whitacre* of Stretton, D. *Edmund Stanton* of Kingston, Dr. *Daniel Featley* of Lambeth, *Francis Coke* of Yoxhall, *John Lightfoot* of

1684 Asheley, *Edward Corbet* of Merton Colledge Oxon, *Samuel Helderſham* of Felton, *Iohn Langley* of Weſtuderly, *Chriſtopher Tiſdale* of Uphusborn, *Thomas Young* of Stowmarket, *Iohn Phillips* of Wrentham, *Humphrey Chambers* of Claverton Batchelor in Divinity, *Iohn Conant* of Lymington Batchelor in Divinity, *Henry Hall* of Norwich Batchelor in Divinity, *Henry Hutton*, *Henry Scuddir* of Colingborn, *Thomas Baylie* of Manningford-Bruce, *Benjamin Pickering* of Eaſthoateley, *Henry Nye* of Clapham, *Arthur Sallaway* of Seaverneſtoake, *Sydrake Sympſon* of London, *Anthony Burgeſſe* of Sutton Coldfield, *Richard Vines* of Calcot, *William Greenhill* of Stepney, *William Moreton* of Newcaſtle, *Richard Buckley*, D. *Thomas Temple* of Batterſey, *Simon Aſhe* of Saint Brides, M. *Nicholſon*, *Thomas Gattaker* of Rotherhithe Batchelor in Divinity, *Iames Weldy* of Sylatten, D. *Chriſtopher Paſhley* of Hawarden, *Henry Tozer* Batchelor in Divinity, *William Spurſtow* of Hampden in Com. Bucks. *Francis Channell* of Oxon, *Edward Ellis* of Gilsfield Batchelor in Divinity, D. *Iohn Hacket* of Saint Andrews Holborn, *Samuel de la Place*, *Iohn de la March*, *Matthew Newcomen of* Dedham, *William Lyford of* Sherborn in Com. Dorſet, M. *Carter of* Dynton in Com. Bucks. *William Lance of* Harrow in Middleſex, *Thomas Hodges of* Kenſington in Com. Middleſex, *Andreas Perne of* Wilby in Com. Northampton, D. *Thomas Weſtfield of* S. Bartholomew le great *London* Biſhop of *Briſtoll*, D. *Henry Hammon of* Penſhurſt in Kent, *Nicholas Prophet of* Marlborough in Com. Wilts, *Peter Sterry* of London, *Iohn Erle* of Biſhopſton in Com. Wilts, M. *Gibbon* of Waltham, *Henry Painter* of Exeter Batchelor in Divinity, M. *Michaelthwaite* of Cherryburton, Doctor *Iohn Wincop* of S. Martins in the fields, Maſter *Price* of Pauls Church in Covent Garden. *Henry Wilkinſon Iunior*, Batchelor in Divinity, D. *Richard Oldſworth* Maſter of Emanuell Colledge in Cambridge, M. *William Duning* of Coldaſton, and

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such other person and persons, as shall be nominated and appointed by both Houses of Parliament, or so many of them, as shall not be letted by sickness or other necessary impediment, shall meet and assemble, and are hereby required and enjoyned upon summons signed by the Clerks of both Houses of Parliament, left at their severall respective dwellings, to meet and assemble themselves at *Westminster*, in the Chappell called King *Henry* the sevenths Chappell, on the first day of *July*, in the yeer of our Lord, one thousand six hundred forty three: and after the first meeting, being at least of the number of forty, shall from time to time sit and be removed from place to place, and also that the said Assembly shall be dissolved in such manner, as by both Houses of Parliament shall be directed; And the said persons, or so many of them, as shall be so Assembled, or sit, shall have power and authority, and are hereby likewise enjoyned, from time to time during this present Parliament, or untill further order be taken, by both the said Houses, to conferre and Treat amongst themselves, of such matters and things, touching and concerning the Liturgy, Discipline, and Government of the Church of *England*, or the vindicating and cleering of the doctrine of the same, from all false aspertions and misconstructions, as shall be proposed unto them by both, or either of the said Houses of Parliament, and no other, and to deliver their opinions and advices of, or touching the matters aforesaid, as shall be most agreeable to the Word of God, to both or either of the said Houses, from time to time, in such manner and sort, as by both or either of the said Houses of Parliament, shall be required, and the same not to divulge by Printing, writing, or otherwise without the consent of both or either House of Parliament. And be it further Ordained by the authority aforesaid, that *William Twiss* Doctor in Divinity shall sit in the Chair as Prolocutor of the said Assembly, and if he happen to dye, or be

letted by ſickneſſe, or other neceſſary impediment, then ſuch other perſon to be appointed in his place, as ſhall be agreed on, by both the ſaid Houſes of Parliament; And in caſe any difference of Opinion ſhall happen among the ſaid perſons ſo aſſembled, touching any the matters, that ſhall be propoſed to them as aforeſaid, that then they ſhall repreſent the ſame, together with the reaſons thereof to both or either of the ſaid Houſes reſpectively, to the end ſuch further direction may be given therein, as ſhall be requiſite in that behalf. And be it further ordained by the authority aforeſaid, that for the charges and expences of the ſaid Divines, and every of them, in attending the ſaid ſervice, there ſhall be allowed unto every of them that ſhall ſo attend, during the time of their ſaid attendance, and for ten dayes before, and ten dayes after, the ſumme of four ſhillings for every day, at the charges of the Common-wealth at ſuch time & in ſuch manner as by both Houſes of Parliament ſhall be appointed. And be it further Ordained, that all and every the ſaid Divines, ſo as aforeſaid required and enjoyned to meet and aſſemble, ſhall be freed and acquitted of, and from every offence, forfeiture, penalty, loſſe or damage, which ſhall or may ariſe or grow by reaſon of any non-reſidence or abſence of them or any of them, from his or their, or any of their Church, Churches, or Cures, for, or in reſpect of their ſaid attendance upon the ſaid Service, any Law or Statute of Non-reſidence, or other Law or Statute enjoyning their attendance upon their reſpective Miniſteries or Charges to the contrary thereof notwithſtanding: And if any of the perſons before named ſhall happen to dye before the ſaid aſſembly ſhall be diſſolved by order of both houſes of Parliament, then ſuch other perſon or perſons ſhall be nominated and placed in the room and ſtead of ſuch perſon and perſons ſo dying, as by both the ſaid Houſes ſhall be thought fit and agreed upon: And every ſuch perſon or perſons ſo to be named, ſhall have the

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like Power and Authority, Freedom, and acquittall to all intents and purposes, and also all such wages and allowances for the said service, during the time of his or their attendance, as to any other of the said persons in this Ordinance is by this Ordinance limited and appointed. Provided alwayes, that this Ordinance, or any thing therein contained, shall not give unto the persons aforesaid, or any of them, nor shall they in this assembly assume to exercise any Jurisdiction, Power, or Authority Ecclesiasticall whatsoever, or any other Power, then is herein particularly expressed. 1684

The Votes or Orders delivered with it.

Die Mercurii 5. *Iulii*, 1643.

ORdered by the Lords and Commons in Parliament Assembled That it shall be propounded to the Assembly to morrow at their meeting, to take into their Consideration the Tenne first Articles of the 39. Articles of the Church of *England*, to free, and Vindicate the Doctrine of them from all Aspersions, and false interpretations. VI.

Iovis 6. *Iulii*, 1643.

Some generall Rules for the Assembly, directed by the Lords and Commons in Parliament Assembled.

1 THat two Assessors be joyned to the Prolocutor, to supply his place in case of Absence or Infirmity.

2 Two Scribes to be appointed to set down all proceedings, and these to be Divines, who are not Members of the Assembly, *viz.* Mr. *Henry Rowberry*, and Mr. *Adoniram Byfeild*.

3 Every Member at his first entrance into the Assembly, shall make a serious and solemn Protestation, not to maintain any thing but what he beleeves to be Truth, and to

embrace Truth in sincerity when discovered to him.

4 No Resolution to be given upon any Question on the same day wherein it is first Propounded.

5 What any man undertakes to prove as necessary, he shall make good out of the Scriptures.

6 No man to proceed in any dispute after the Prolocutor hath enjoyned him silence, unlesse the Assembly desire he may go on.

7 No man to be denyed to enter his dissent from the Assembly, & his reasons for it in any point after it hath first been debated in the Assembly, And thence (if the dissenting party desire it) to be sent to the Houses of Parliament by the Assembly, (not by any particular Man or Men in a private way) when either House shall require it.

8 All things agreed on and prepared for the Parliament to be openly Read and allowed in the Assembly, and then offered as the Judgement of the Assembly, if the major part Assent, Provided that the opinion of any Persons dissenting, and the Reasons urged for it, be annexed thereunto (if the Dissenters require it) together with the Solutions (if any were) given in the Assembly to those Reasons.

Iovis 6. Iulii, 1643.

I *A. B.* do seriously & solemnly promise in the presence of Almighty God, that (in this Assembly whereof I am a Member) I will not maintain any thing in matters of Doctrine, but what I think in my Conscience to be Truth, or in point of Dicipline, but what I shall conceive to conduce most to the glory of God, and the good, and Peace of his Church.

Veneris 15. Sept. 1643.

ORdered by the Lords and Commons in Parliament Assembled, That it be referred to the Assembly of Divines, to set forth a Declaration of the Reasons and Grounds,

Grounds, that have induced the Assembly to give their Opinions, that this Covenant may be taken in point of Conscience. 1689

Eodem Die.

ORdered by the Lords and Commons in Parliament Assembled, that it be referred to the Committee formerly appointed, to Treat with the *Scotish* Commissioners: to Treat with them about the manner of taking the Covenant in both Kingdoms.

Mercurii 22. *August*, 1643.

ORdered by the Lords and Commons in Parliament Assembled, that it be propounded to the Assembly of Divines, to consider of the Doctrine of the Nine next Articles of the 39. Articles of the Church of *England*, to cleer, and vindicate the same from all aspersions and false interpretations.

The Articles of the sixt of *Aug.* 1642.

ARTICLES of the Treaty, concerning the reducing of the Kingdom of *Ireland*, to the obedience of the Kings Majesty, and Crown of *England*, agreed upon between the Commissioners for *Scotland*, authorized by His Majesty and the Parliament of that Kingdom, and the Commissioners for *England*, authorized by His Majesty and the Parliament of that Kingdom, at *Westminster*, the sixt day of *August*, 1642.

FIrst, the *Scottish* Commissioners out of the sense of that duty which the Kingdom of *Scotland*, owes to His Majesty, and the true affection they bear towards the Kingdom of *England*, being willing to contribue their best VII.

assistance

1690 assistance for the speedy relief of those distressed parts in *Ireland*, which lye neerest the Kingdom of *Scotland*; Have, in the name of that Kingdom, made offer of ten Thousand men to be imployed in that Service; And for a further Testimony of their Zeale to His Majesties Service, and Brotherly respect to the Kingdom of *England*; have declared, that the Kingdom of *Scotland*, will, upon their own charge, Levy and Transport these Men.

Secondly, Because the Kingdom of *Scotland*, are to send over with their Army the number of six thousand Muskets, and four thousand Pikes, with such Cannon and Ammunition as shall be fitting for the Service; It is agreed, that four thousand Muskets, and two thousand Pikes, shall be presently sent by the Kingdom of *England*, into the Kingdom of *Scotland*, and delivered at *Leeth*; As also that the residue of the said ten thousand Arms, and ten thousand Swords, and Belts, shall be delivered there, at the first of *August* next; And that as many Cannon & Field-Peeces of the same bore, weight, and mettle, shall be carryed into *Scotland*, upon their demand, as they shall Transport into *Ireland* for the service of that Kingdom. And that the said whole Arms and Ammunition shall remain in *Scotland*, untill the return of the *Scottish* Army from *Ireland*: At which time the same shall be restored to the Kingdom of *England*, the Kingdom of *Scotland* receiving satisfaction for such of their Arms and Ammunition as shall be spent or lost in the Service of *Ireland*; As also that there shall be presently sent over from *England*, and delivered to the *Scottish* Army in *Ireland*, for the defence of the Province of *Ulster*, six Peeces of Demy-Cannon, of the Ball of four and tweenty pound weight, with their Equipage.

Thirdly, It is agreed, That there shall be two Ships of Warre presently sent by the Kingdom of *England*, to *Lochryan*, *Lamalach*, *Port-Patrick*, or *Air*, to Guard and waft over

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over the *Scottish* Souldiers; And that the said Ships shall attend at the Ports in *Ireland*, for serving the *Scottish* Army in going, and returning betwixt the Coasts, and keeping the passages cleer, as they shall receive Orders from the chief Commanders of the *Scottish* Army for the time being, according to Instructions received, or to be received by the Master of these Ships from the Lord Admirall, or Commissioners of the Admiralty for the time being, to that purpose.

Fourthly, It is agreed, That there shall be Levyed and furnished by the Kingdom of *England*, ten Troops of sufficient and well Armed Horsemen, consisting of sixty in a Troop, besides the Officers; And that there shall be a Commissary Generall, a Serjeant Major, and a Quartermaster appointed over them, which shall joyn and remain with the Body of the *Scottish* Foot, and shall receive and obey the Orders and Instructions of the Commanders of the *Scottish* Army; And that there shall be presently advanced the summe of twelve hundred pounds sterling, for the Levying of a Troop of one hundred Horsemen in *Scotland*, besides the Officers, to be a Guard to the Generall of the *Scottish* Army.

Fifthly, It is agreed, That the Commanders and Souldiers of the *Scottish* Army, shall have such Pay respectively as the Commanders and Souldiers of the *English* Army have, according to a List presently agreed upon by the Commissioners of both Kingdoms; As also that the Officers of that Army, shall have such allowance for their Waggons, as is contained in the said List.

Sixtly, It is agreed, That the Towns and Castle of *Carickfergus*, and *Colrayne*, shall be put into the hands of the *Scottish* Army, to be places for their Magazines, and Garrisons, and to serve them for Retreat upon occasion; And that the Magistrates, and Inhabitants thereof, shall be ordained to carry themselves to the Commanders

of the ſaid Army as is fitting and ordinary in ſuch Caſes; And that the ſaid Towns,& Caſtle ſhall remain in the *Scots* hands, untill the Warre ſhall end, or that they ſhall be diſcharged of that ſervice, Like as the Commiſſioners for the Kingdom of *Scotland* do promiſe in the Publique Faith of that Kingdom, to redeliver the ſaid Towns and Caſtle to any, having Commiſſion from the King and Parliament of *England*, as alſo the Commiſſioners for the Kingdom of *England*, do promiſe in the name, and on the Publique Faith of that Kingdom, That Payment ſhall be made to the Kingdom of *Scotland*, and their Army, of all dues that ſhall ariſe upon this preſent Treaty, and that when the *Scottiſh* Army imployed in the Service of *Ireland* ſhall be diſcharged, they ſhall be disbanded by Regiments, and no leſſer proportions, and ſo many of them payed off, as ſhall be diſbanded, and the reſidue kept in pay, till they be diſbanded.

Seventhly, It is agreed, that the Towns of *Charickfergus*, and *Colrayne*, ſhall by the Kingdom of *England*, be with all expedition provided with Victuals neceſſary for Souldiers, either in Garriſons, or Expeditions, according to a Liſt to be agreed on, and ſubſcribed by the Commiſſioners of both Kingdoms; And that ſuch quantities thereof, as the *Scottiſh* Army ſhall have occaſion to uſe, ſhall be ſold unto them, and bought by them, at the ſeverall Prices contained in the aforeſaid Liſt. And alſo that the ſaid Towns of *Carickfergus*, and *Colrayne*, ſhall be provided by the Kingdom of *England*, with Powder, Ball, Match, and other Ammunition for the ſervice of the ſaid Army, conform to the particular Liſt to be condeſcended unto by both Commiſſioners, and that Carts and Waggons ſhall be provided by the Kingdom of *England*, for carrying of Ammunition for the uſe of the ſaid Army in marches; As alſo, that there ſhall be Gun-Smiths, Carpenters, and one, or two Engineers, appointed to attend the

the Army, and that hand-Mils shall be provided to serve the Companies in marches. 1693

Eightly, It is agreed, that the Kingdom of *England*, shall deposite two Thousand Pounds English Money, in the hands of any, to be appointed by the *Scottish* Commissioners, to be disbursed upon accompt, by warrant of the Generall of their Army, upon Fortifications, Intelligences, and other Incidents: so that there be not above the summe of two thousand pounds in a yeer Impressed upon these occasions, without particular and speciall warrant from the Parliament of *England*; As also that there shall be deposited, two thousand and five hundred pounds *English*, to be disbursed upon Accompt, for the providing of a thousand Horses, for the Carriage of the Artillery, the Baggage, and Victuall of their Army, and for Dragooners upon occasion: And likewise that the *Scottish* Army, during the time of the Warre, shall have power to take up such Horses in the Countrey, as be necessary for the uses aforesaid.

Ninth, It is agreed, that the Inhabitants of the Towns and Villages, in the Province of *Ulster*, and in any other Province of *Ireland*, where the *Scottish* Army shall be by it self, for the time, shall receive Orders from the *Scottish* Commanders, and shall bring in Victuals, for Money, in an orderly way, as shall be directed by them, with Provision of Oats, Hay, and Straw, and such other Necessaries; And that the Countrey People shall Rise and Concurre with the *Scottish* Troops, when the Commanders thereof shall find it for the good of the Service; and shall receive Orders and Directions from the said Commanders of the *Scottish* Army.

Tenth, It is agreed, that the said ten thousand men, to be sent out of the Kingdom of *Scotland*, shall go in the way and order of an Army under their own Generall, and Subalterne Officers; And the Province of *Ulster* is appointed unto them, wherein they shall first prosecute the Warre, as

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in their Judgement they ſhall think moſt expedient for the honour of the King, and Crown of *England*, And that the Commanders of the ſaid Army, ſhall have power to give Conditions to Towns, Caſtles, and Perſons which ſhall render and ſubmit themſelves, as ſhall be moſt expedient for the Service, according to the courſe of Warre; Provided no Toleration of the *Popiſh Religion* be granted, nor any condition made touching or concerning any of the *Rebels* Lands, and that the Commanders of the *Scottiſh* Army ſhall be anſwerable for their whole deportment, and proceedings to His Majeſty, and the two Houſes of the Parliament of *England* onely, but ſhall from time to time give an accompt thereof to his Majeſty, the two Houſes of the Parliament of *England*, and to the Chief Governour, or Governours of *Ireland* for the time being; that ſuch Towns & Places, as ſhall be recovered from the *Rebels* by the *Scottiſh* Army, ſhall be at the diſpoſing of the Commanders thereof, during their aboad for that ſervice in thoſe parts, where ſuch Towns and Places are: And if it ſhall be found for the good of the ſervice, that the *Scottiſh* Army ſhall joyn with the Kings Lieutenant of *Ireland* and his Army, in that caſe, the Generall of the *Scottiſh* Army ſhall onely cede to the Kings Lieutenant of *Ireland*, and receive in a free and honourable way Inſtructions from him, or in his abſence from the Lord Deputy, or any other who ſhall have the chief Government of that Kingdom for the time, by authority derived from the Crown of *England*, and ſhall precede all others, and that he onely ſhall give Orders to the Officers of his own Army; And that the Armies ſhall have the right and left hand, Vand, and Rear, Charge, and Retreat ſucceſſively, and ſhall not mix in Quarterings, nor Marchings, and when it ſhall be found fit to ſend Troops out of either Army, that the Perſons to be ſent out of the *Scottiſh* Army, ſhall be Commanded out by their own Generall, the Lieutenant of *Ireland* preſcribing the number,

which

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which shall not exceed the fourth part of the whole Foot of the *Scottish* Army, nor of the Horse appointed to joyn therewith, whereunto they shall return when the service is done. And that no Officer of the *Scottish* Army, shall be Commanded by one of his own quality, and if the Commanders of the Troops so sent out of either Army, be of one Quality, that they Command the Party by turns; And it is nevertheless provided, That the whole *Scottish* Army may be called out of the Province of *Ulster*, and the Horses appointed to joyn with them by His Majesties Lieutenant of *Ireland*, or other Chief Governour, or Governours of that Kingdom for the time being, if he, or they shall think fit, before the Rebellion be totally suppressed therein.

Eleventh, It is agreed, That the *Scottish* Army shall be entertained by the *English* for three moneths, from the Twentieth of *June* last, and so along after, untill they be discharged; and that they shall have a moneths Pay advanced, when they are first Mustered in *Ireland*, and thereafter shall be duly paid from Moneth to Moneth; And that there shall be one Muster-Master appointed by the *English* Muster-Master Generall, to make strict and frequent Musters of the *Scottish* Army, and that what Companies of Men shall be sent out of *Scotland*, within the compasse of the ten thousand Men, shall be paid upon their Musters in *Ireland*, although they make not up compleat Regiments.

Twelfth, It is agreed, That the *Scottish* Army shall receive their discharge from the King and Parliament of *England*, or from such Persons as shall be appointed and authorized by His Majesty and both Houses of Parliament for that purpose; And that there shall be a Moneths warning before hand of their disbanding: which said discharge and Moneths warning, shall be made known by His Majesty and them, to the Councell of *Scotland*, or the Lord Chancellour, a Moneth before the discharging thereof;

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And that the Common Souldiers of the *Scottiſh*, at their diſmiſſion, ſhall be allowed fourteen dayes Pay for carrying of them home.

Thirteenth, It is provided and agreed, That at any time, after the three Moneths now agreed upon for the entertainment of the *Scottiſh* Army, ſhall be expired, and that the two Houſes of Parliament, or ſuch Perſons as ſhall be authorized by them, ſhall give notice to the Councell of *Scotland*, or to the Lord Chancellor there, That after one Moneth from ſuch notice given, the ſaid two Houſes of Parliament will not pay the ſaid *Scottiſh* Army now in *Ireland* any longer, then the ſaid two Houſes of Parliament ſhall not be obliged to pay the ſaid Army any longer then during the ſaid Moneth; any thing in this Treaty contained to the Contrary notwithſtanding.

The Ordinances of the 9. of *March*, and 11. of *Aprill*.

Die Sabbati 9. Martii, 1644.

Reſolved upon the Queſtion by the Lords and Commons in Parliament Aſſembled.

VIII. THat he who doth, or ſhall command in chief over the ſaid Army, by joynt advice of both Kingdoms, ſhall alſo command the reſt of the *Britiſh* Forces in *Ireland*; And for the further managing of that Warre, and proſecuting the ends expreſſed in the Covenant. That the ſame be done by joynt advice with the Committees of both Kingdoms.

Die

1644

Die Iovis 11. Aprill, 1644.

Reſolved upon the Queſtion by the Lords and Commons in Parliament Aſſembled.

THat the Earl of *Leven*, Lord Generall of the *Scots* Forces in *Ireland* (being now, by the Votes of both Houſes, agreed to be Commander in Chief, over all the Forces, as well *Britiſh* as *Scots*, according to the Fourth Article of the reſult of the Committees of both Kingdoms paſſed both Houſes) be deſired with all convenient ſpeed, by the advice of the ſaid Committees, to appoint and nominate a Commander in chief under his Excellency over the ſaid Forces, to reſide with them upon the place.

Reſolved, &c.

THat Committees be nominated and appointed by the joynt advice of both Kingdoms, of ſuch Numbers and Qualities as ſhall be by them agreed on, to be ſent with all convenient ſpeed to reſide with the ſaid Forces, and inabled with all ample Inſtructions by the joynt advice of both Kingdoms, for the Regulating of the ſaid Forces, and the better carrying on of that Warre.

The

The Letter of the Lords Justices; and Councell of *Ireland*, to the Speaker of the House of Commons in *England*, 4. *Aprill.* 1643. a Duplicate whereof (the originall being sent to *Westminster*) was by them sent to Mr. Secretary *Nicholas* for His Majesty.

SIR,

IX. OUr very good Lord the Lord Marquesse of *Ormond* having in his march in his last expedition, consulted severall times with the Commanders and Officers of the Army in a Councell of Warre, and so finding that subsistence could not be had abroad for the Men and Horses he had with him, or for any considerable part of them, it was resolved by them, that his Lordship with those Forces should return hither, which he did on the six and twentieth of *March.*

In his return from *Rosse* (which in the case our Forces stand, he found so difficult to be taken in, as although our Ordnance made a breach in their Walls, it was found necessary to desert the Siege) he was encountred by an Army of the Rebels, consisting of about six thousand Foot, and six hundred and fifty Horse, well Armed and Horsed, yet it pleased God so to disappoint their Councels and strength, as with those small Forces which the Lord Marquesse had with him, being of fighting men about two thousand five hundred Foot, and five hundred Horse, not well armed, and for the most part weakly horsed, and those as well Men as Horses much weakned by lying in the fields severall nights, in much Cold and Rain, & by want of mans-meat and horse-meat, the Lord Marquesse obtained a happy and glorious deliverance and Victory against those Rebels, wherein were slain about three hundred of them, and many of their Commanders and others of quality, and divers

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divers taken Prisoners, and amongst those Prisoners Colonell *Cullen* a Native of this City, who being a Colonell in *France*, departed from thence, and came hither to assist the Rebels, and was Lieutenant-Generall of their Army in the Province of *Leinster*, and the Rebels Army were totally Routed and defeated, and their Baggage, and Munition seized on by His Majesties Forces, who lodged that night where they had gained the Victory, and on our side about Twenty slain in the fight, and divers wounded.

We have great cause to praise God, for magnifying his goodnesse and mercy to His Majesty, and this his Kingdom so manifestly, and indeed wonderfully in that Victory.

However the joy due from us upon so happy an occasion, is, we confesse, mingled with very great distraction here in the apprehension of our unhappinesse, to be such, as although the Rebels are not able to overcome His Majesties Army, and devour his other good Subjects here as they desire, yet both his Army and good Subjects are in danger to be devoured by the wants of needfull Supplies forth of *England*; For, as we formerly signified thither, those Forces were of necessity sent abroad to try what might be done for sustaining them in the Countrey, so as to keep them alive untill Supplies should get to us; But that designe now failing, those our hopes are converted into astonishment, to behold the unspeakable miseries of the Officers and Souldiers for want of all things, and all those wants made the more unsupportable in the want of Food, whilest this City (being all the help we have) is now too apparently found to be unable to help us, as it hath hitherto done, and divers Commanders and Officers in the Army do now so farre expresse their sense of their sufferings, (which indeed are very great and grievous) as they declare that they have little hope to be supplyed by the Parliament, and presse with so great importunity, to be permitted to depart

The Letter of the Lords Juſtices, and Councell of *Ireland*, to the Speaker of the Houſe of Commons in *England*, 4. *Aprill.* 1643. a Duplicate whereof (the originall being ſent to *Weſtminſter*) was by them ſent to Mr. Secretary *Nicholas* for His Majeſty.

SIR,

IX. OUr very good Lord the Lord Marqueſſe of *Ormond* having in his march in his laſt expedition, conſulted ſeverall times with the Commanders and Officers of the Army in a Councell of Warre, and ſo finding that ſubſiſtence could not be had abroad for the Men and Horſes he had with him, or for any conſiderable part of them, it was reſolved by them, that his Lordſhip with thoſe Forces ſhould return hither, which he did on the ſix and twentieth of *March.*

In his return from *Roſſe* (which in the caſe our Forces ſtand, he found ſo difficult to be taken in, as although our Ordnance made a breach in their Walls, it was found neceſſary to deſert the Siege) he was encountred by an Army of the Rebels, conſiſting of about ſix thouſand Foot, and ſix hundred and fifty Horſe, well Armed and Horſed, yet it pleaſed God ſo to diſappoint their Councels and ſtrength, as with thoſe ſmall Forces which the Lord Marqueſſe had with him, being of fighting men about two thouſand five hundred Foot, and five hundred Horſe, not well armed, and for the moſt part weakly horſed, and thoſe as well Men as Horſes much weakned by lying in the fields ſeverall nights, in much Cold and Rain, & by want of mans-meat and horſe-meat, the Lord Marqueſſe obtained a happy and glorious deliverance and Victory againſt thoſe Rebels, wherein were ſlain about three hundred of them, and many of their Commanders and others of quality, and divers

1699

divers taken Prisoners, and amongst those Prisoners Colonell *Cullen* a Native of this City, who being a Colonell in *France*, departed from thence, and came hither to assist the Rebels, and was Lieutenant-Generall of their Army in the Province of *Leinster*, and the Rebels Army were totally Routed and defeated, and their Baggage, and Munition seized on by His Majesties Forces, who lodged that night where they had gained the Victory, and on our side about Twenty slain in the fight, and divers wounded.

We have great cause to praise God, for magnifying his goodnesse and mercy to His Majesty, and this his Kingdom so manifestly, and indeed wonderfully in that Victory.

However the joy due from us upon so happy an occasion, is, we confesse, mingled with very great distraction here in the apprehension of our unhappinesse, to be such, as although the Rebels are not able to overcome His Majesties Army, and devour his other good Subjects here as they desire, yet both his Army and good Subjects are in danger to be devoured by the wants of needfull Supplies forth of *England*; For, as we formerly signified thither, those Forces were of necessity sent abroad to try what might be done for sustaining them in the Countrey, so as to keep them alive untill Supplies should get to us; But that designe now failing, those our hopes are converted into astonishment, to behold the unspeakable miseries of the Officers and Souldiers for want of all things, and all those wants made the more unsupportable in the want of Food, whilest this City (being all the help we have) is now too apparently found to be unable to help us, as it hath hitherto done, and divers Commanders and Officers in the Army do now so farre expresse their sense of their sufferings, (which indeed are very great and grievous) as they declare that they have little hope to be supplyed by the Parliament, and presse with so great importunity, to be permitted to depart

the Kingdom, as it will be extream difficult to keep them here.

By our Letters of the three and twentieth of *March*, we signified thither the unsupportable burthen laid on this City, for Victualling those of the Army left here, when the Lord Marquesse, with the Forces he took with him, marched hence, which burthen is found every day more heavy then other, in regard of the many house-keepers thereby daily breaking up house, and scattering their Families, leaving still fewer to bear the burthen. We also by those Letters, and by our Letters of the five and twentieth of *February*, advertised thither the high danger this Kingdom would incurre, if the Army so sent abroad, should by any distresse, or through want be forced back hither again, before our relief of Victuals should arrive forth of *England*.

When we found that those men were returning back hither, although we were (and are still) full of distraction, considering the dismall consequences threatned thereby in respect of our wants, yet we consulted what we could yet imagine fesible, that we had not formerly done, to gain some Food for those men, and found, that to send them, or others abroad into the Countrey, we cannot, in regard we are not able to advance Money for procuring the many requisites incident to such an expedition. In the end therefore, we were enforced to fix on our former way, and so to see who had any thing yet left him untaken from him to help us, and although there are but few such, and some of them poor Merchants, whom we have now, by the Law of necessity, utterly undone and disabled, from being hereafter helpfull to us in bringing us in Victuals, or other needfull Commodities, yet were we forced to wrest their Commodities from them, and certainly there are few here of our selves, or others, that have not felt their parts in the enforced rigour of our proceedings, towards preserving

ving the Army, ſo as what with ſuch hard dealing, nol eſſe grievous to us to do, then it is heavy to others to ſuffer, and by our deſcending (againſt our hearts) farre below the honour and dignity of that power we repreſent here, under His Royall Majeſty, we have with unſpeakable difficulty prevailed ſo, as to be able to find Bread for the Souldiers for the ſpace of one moneth. 1407

We are now expelling hence all ſtrangers, and muſt inſtantly ſend away for *England*, thouſands of poor diſpoyled Engliſh, whoſe very eating is now unſupportable to this place.

And now again, and finally, we earneſtly deſire, (for our confuſions will not now admit the writing of many more Letters, if any) that His Majeſty and the Engliſh Nation may not ſuffer ſo great, if not irrecoverable prejudice and diſhonour, as muſt unavoydably be the conſequence of our not being relieved ſuddenly, but that yet (although it be even now at the point to be too late) ſupplies of Victuals, and Munition in preſent be haſtned hither to keep life, untill the reſt may follow, there being no Victuall in the ſtore, nor will there be a hundred Barrels of Powder left in the ſtore, when the out-Garriſons (as they muſt be inſtantly) are ſupplied, and that remainder according to the uſuall neceſſary expenſe, beſides extraordinary accidents, will not laſt above a moneth, and the reſidue of our proviſions muſt alſo come ſpeedily after, or otherwiſe *England* cannot hope to ſecure *Ireland*, or ſecure themſelves againſt *Ireland*, but in the loſſe of it, muſt look for ſuch enemies from hence, as will perpetually diſturb the Peace of his Majeſty, and His Kingdom of *England*, and annoy them by Sea, and Land, as we often formerly repreſented thither; which miſchiefs may yet be prevented, if we be yet forthwith enabled from thence with means to overcome this Rebellion.

We hope that a courſe is taken there for haſtening hither

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the provisions of Arms & Munition mentioned in the docquet, sent with our Letters of the twentieth of *Jan.* and the six hundred horses, which we then moved might be sent hither for Recruits, and that the seven thousand eight hundred fourscore and thirteen pounds three shillings for Arms to be provided in *Holland* (besides those we expect in *London*) hath been paid to *Anthony Tierens*, in *London*, or to *Daniel Wibrants* in *Amsterdam*, and if that summe had been paid as we at first desired, we might well have had those provisions arrived here by the tenth of *March*, as we agreed, however we now desire that that Money, if it be not already paid, may be yet paid to M. *Tierens* in *London*, or M. *Wibrants* in *Amsterdam*, that so those provisions may arrive here speedily, which (considering that Summer is now neer at hand) will be very necessary, that when our supplies of Victuals, Munition, Clothes, Money, and other provisions shall arrive, we may not in the publique service here lose the benefit and advantage of that season. And so we remain, from His Majesties Castle of *Dublin*, 4. *April.* 1643.

POST-SCRIPT,

As we were ready to signe this dispatch, we received at this Board, a Paper signed by sundry Officers of the Army, now here at *Dublin*, which is in such a stile, and threatens so much danger, as we hold necessary to send a Copy thereof here inclosed, whereby still appears the high necessity of hastening away money for them, and the rest of the Officers, and Victuals for the Souldier, without which it will be impossible to contain them from breaking out into Mutiny.

The Letter inclosed.

My Lords,

AT our first entrance into this unhappy Kingdom, we had no other designe, then by our Swords to assert and

and vindicate the right of His Majesty, which was here most highly abused, to redresse the wrongs of His poor Subjects, and to advance our own particulars in the prosecution of so honest undertakings; And for the first of these, we do beleeve they have since our coming over succeeded pretty well, but for the last which concerns our selves, that hath fallen out so contrary to our expectations, that in stead of being rewarded, we have been prejudiced, in stead of getting a Fortune, we have spent part of one, and though we behave our selves never so well abroad, and perform the Actions of honest men, yet we have the reward of Rogues and Rebels, which is, Misery and Want when we come home. Now (my Lords) although we be brought to so great an exigence, that we are ready to rob and spoyle one another: yet to prevent such outrages, we thought it better to try all honest means for our subsistance, before we take such indirect courses; Therefore if your Lordships will be pleased to take us timely into your considerations, before our urgent wants makes us desperate, we will, as we have done hitherto, serve your Lordships readily and faithfully; But if your Lordships will not find a way for our preservations here, we humbly desire we may have leave to go where we may have a better being; and if your Lordships shall refuse to grant that, we must then take leave to have our recourse to that first and primary Law, which God hath endued all men with, we mean, The Law of Nature, which teacheth all men to preserve themselves.

The Letter of the Lords Justices, and Councell of *Ireland*, to His Majesty, of the 11. of *May*. 1643.

X.

May it please Your most Excellent Majesty,

AS soon as we, Your Majesties Justices, entred into the charge of this government, we took into our consideration at this Board, the state of your Army here, which

1704 we find ſuffering under unſpeakable extremities of want of all things neceſſary to the ſupport of their Perſons, or maintenance of the Warre, here being no Victuals, Cloaths, or other proviſions requiſite towards their ſuſtenance; No Money to provide them of any thing they want; No Arms in Your Majeſties ſtores, to ſupply their many defective Arms; Not above forty Barrels of Powder in Your ſtores; No ſtrength of ſerviceable Horſes being now left here, and thoſe few that are, their Arms. for the moſt part, loſt or unſerviceable; No Ships arrived here to guard the Coaſts, and conſequently no ſecurity rendred to any that might (on their private adventures) bring in Proviſions of Victuals, or other neceſſaries, towards our ſubſiſtance; and finally, No viſible means by Sea or Land, of being able to preſerve for You this your Kingdom; and to render deliverance from utter deſtruction, to the remnant of Your good Subjects yet left here.

We find that Your Majeſties late Juſtices, and this Board, have often and fully, by very many Letters, advertiſed the Parliament in *England* of the extremities of Affaires here, and beſought relief with all poſſible importunity, which alſo have been fully repreſented to Your Majeſty, and to the Lord Lieutenant, and Mr. Secretary *Nicholas*, to be made known to Your Majeſty; and although the Winds have of late for many dayes (and often formerly) ſtood very fair for acceſſions of ſupply forth of *England* hither, and that we have ſtill with longing expectations, hoped to find proviſions arrive here, in ſome degree anſwerable to the neceſſities of Your affaires, yet now (to our unexpreſſible grief) after full ſix moneths waiting, and much longer patience and long ſuffering, we find all our great expectations anſwered in a mean and inconſiderable quantity of proviſions, (*viz.*) threeſcore and fifteen Barrels of Butter, and fourteen Tonne of Cheeſe, being but the fourth part of a ſmall Veſſels loading, which was

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ſent from *London*, and arrived here on the fift day of this Moneth, which is not above ſeven or eight dayes proviſion for that part of the Army which lies in *Dublin*, and the out Garriſons thereof, No money or Victuals (other then that inconſiderable proportion of Victuall) having arrived in this place, as ſent from the Parliament of *England*, or from any other forth of *England* for the uſe of the Army, ſince the beginning of *November* laſt.

We have (by the bleſſing of God) been hitherto proſperous and ſucceſſefull in Your Majeſties affairs here, and ſhould be ſtill hopefull by the mercy of God, under the Royall Directions of Your Sacred Majeſty, to vindicate Your Majeſties Honour, and recover your rights here, aad take due vengeance on theſe Traitors, for the innocent blood they have ſpilt, if we might be ſtrengthened and ſupported therein by needfull ſupplies forth of *England*: but theſe ſupplies having hitherto been expected to come from the Parliament of *England*, (on which if Your Majeſty had not relied, we are aſſured You would in Your High Wiſdom have found out ſome other means to preſerve this Your Kingdom) and ſo great and apparent a failer having hapned therein, and all the former and late long continuing Eaſterly Winds, bringing us no other Proviſions, then thoſe few Cheeſes, and Butter; and no advertiſements being brought us of any future ſupply, to be ſo much as in the way hither, whereby there might be any likelyhood, that conſiderable means of ſupport for Your Majeſties Army, might arrive here in any reaſonable time, before we be totally ſwallowed up by the Rebels, and Your Kingdom by them wreſted from you. We find our ſelves ſo diſappointed of our hopes from the Parliament, as muſt needs trench to the utter loſſe of the Kingdom, if Your Majeſty in Your high Wiſdom, ordain not ſome preſent means of preſervation for us.

And conſidering, that if now by occaſion of that unhappy

1706

happy and unexpected failing of ſupport from thence, we ſhall be leſſe ſucceſſefull in your Services here againſt the Rebels, then hitherto (whileſt we were enabled with ſome means to ſerve you) we have been, the ſhame and diſhonour may, in common conſtruction of thoſe that know not the in-wards of the cauſe, be imputed to us, and not to the failings that diſabled us, and conſidering principally, and above all things, the high and eminent truſt of your Affairs here, depoſited with us by your Sacred Majeſty, we may not forbear in diſcharge of our Duty, thus freely, and plainly to declare our humble apprehenſions, to the end your Majeſty thus truly underſtanding the terribleneſſe of our Condition, may find out ſome ſuch means of ſupport to preſerve to your Majeſties and your Royall Poſterity this your Ancient and Rightfull Crown and Kingdom, and derive deliverance and ſafety to the Remnant of your good Subjects yet left here, as in your Excellent Judgement you ſhall find to be moſt for your Honour and Advantage.

And ſo praying to the King of Kings to guide and direct you for the beſt in this high and important Cauſe, and in all other your Councels and Actions, we humbly remain, From your Majeſties Caſtle of *Dublin*, the 11. day of *May*, 1643.

Your Majeſties moſt Loyall, and moſt faithfull Subjects and Servants,

FINIS.

1404

HIS MAJESTIES Anſwers to certain Papers, Delivered in to His Commiſſioners at *Vxbridge*, upon the cloſe of the TREATY.

ONE CONCERNING THE *MILITIA*,

AND TWO CONCERNING *IRELAND*.

To which (being long, and coming in ſo neer the breaking up of the Treaty) no Anſwers could then be given:

See them in the Narrative, N° 136. 177, & 178.

BRISTOLL,
Printed by ROBERT BARKER, and JOHN BILL, Printers to the Kings moſt Excellent Majeſty: M DC. XLV.